

# CHAPTER XI

## ADMINISTRATION AND ENFORCEMENT

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# CHAPTER XI

## ADMINISTRATION AND ENFORCEMENT

### 11.00.00 GENERAL PROVISIONS; PUBLIC NOTICE REQUIREMENTS

#### 11.00.01 PURPOSE

This Chapter sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Chapter also specifies the procedures for the enforcement of Code provisions.

#### 11.00.02 WITHDRAWAL OF APPLICATIONS

An application for any type of development review may be withdrawn at any time as long as no notice has been given that the application will be reviewed at a public hearing. An application for any type development review may be withdrawn at any time with the consent of the reviewing board responsible for reviewing the application.

#### 11.00.03 NOTICE

Notice of all public hearings which are required by a provision of this Code shall be given as follows, unless expressly stated otherwise:

##### A. CONTENT OF NOTICE

Every required notice shall include: the date, time, and place of the hearing or appeal; a description of the substance of the subject matter that will be discussed at the hearing or appeal; a legal description of the properties directly affected including the street address when available; a statement of the body conducting the hearing; the title of the proposed ordinance or resolution to be considered (if applicable) and the place or places in the County where such ordinance or resolutions may be inspected by the public; a brief statement of what action the body conducting the hearing is authorized to take; a statement that interested parties may appear at the public hearing and be heard with respect to the proposed action; and a statement that the hearing may be continued from time to time as may be necessary.

##### B. PUBLICATION

Publication of the notice shall be as follows:

##### 1. General:

Except as provided in paragraph 2 and 3 below, notice of all public hearings of amendments to the Official Zoning Atlas; applications for Planned Developments, applications for conditional use approval, applications for major adjustment to a conditional use, applications for variances, applications requesting a Class A Mobile Home be defined as a detached single family dwelling unit, and appeals from a decision, order, requirement, or determination of an administrative officer of the County shall be properly advertised in a newspaper of general circulation in St. Lucie County not more than thirty (30) days nor

legal ad = conditional use  
display ad =

less than ten (10) days before the date of the hearing.

Amendments to the Official Zoning Atlas which affect ten (10) contiguous acres or more of the total land area in the unincorporated area of the County that are initiated by the County:

Any proposed amendment to the Official Zoning Atlas which has been initiated by the County and affects ten (10) contiguous acres or more of the total land area of the unincorporated area of the County shall require publication of notice as follows. Two (2) advertised public hearings shall be held by the Board of County Commissioners. At least one hearing shall be held after 5 p.m. on a weekday, unless the Board of County Commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. Publication of notice for the first public hearing shall occur approximately seven (7) days before the day that the first public hearing is held. The second hearing shall be held at least ten (10) days after the first hearing and public notice shall occur at least five (5) days prior to the public hearing. The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper of general circulation in St. Lucie County, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be in substantially the following form:

#### NOTICE OF (INSERT TYPE OF) CHANGE

The St. Lucie County Board of County Commissioners proposes to adopt the following by ordinance (or resolution) ...(insert title of ordinance or resolution)...

A public hearing on the ordinance (or resolution) will be held on ...(date and time)... at ... (meeting place)...

The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed amendment to the Official Zoning Atlas. The map shall include major street names as a mean of identification.

#### 3. Amendment to the Text of This Code:

Any amendment to the text of this Code shall require public hearing and publication of notice as follows:

The Board of County Commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5 p.m. on a weekday, unless the Board of County Commissioners, by a majority vote plus one, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least ten (10) days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper of general circulation in St. Lucie County, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices



and classified advertisements appear. The advertisement shall be in substantially the following form:

### NOTICE OF (INSERT TYPE OF) CHANGE

The St. Lucie County Board of County Commissioners proposes to adopt the following by ordinance (or resolution) ...(insert title of ordinance or resolution)...

A public hearing on the ordinance (or resolution) will be held on ...(date and time)... at ... (meeting place)...

#### C. PUBLIC INSPECTION

A copy of all notices of public hearing shall be available in the Department of Community Development and the Office of the Clerk of the Court during regular business hours.

#### D. MAIL

Mailing notice to specific real property owners shall be as follows:

##### 1. Amendments and Applications That Affect Less than Ten (10) contiguous acres:

- 410 acres
- a. In addition to publication requirements in Section 11.00.03(B), in the case of a public hearing regarding an amendment to the Official Zoning Atlas that applies to less than ten (10) contiguous acres in the unincorporated area of the County, applications for Planned Developments, applications for conditional use approval, applications for variances, and applications requesting a Class A Mobile Home be defined as a detached single-family dwelling unit, notice shall also be provided by the Community Development Director (or the Public Works Director depending on the application for public hearing that is filed) by mail to all property owners who own real property directly affected by the proposed action and whose address is known by reference to the latest approved ad valorem tax roll, and to all property owners who own real property within five hundred (500) feet of the property directly affected by the proposed action whose address is known by reference to the latest ad valorem tax rolls. Notification shall be mailed not more than thirty (30) days nor less than ten (10) days before the date of the hearing.
  - b. In the case of amendments to the Official Zoning Atlas which have been initiated by the Board of County Commissioners or its designee and affect less than ten (10) contiguous acres of land area in the unincorporated area of the County, notice shall also be provided by the Community Development Director (or the Public Works Director depending on the application for public hearing that is filed) by mail to each real property owner whose land is the subject of the proposed amendment and whose address is known by reference to the latest approved ad valorem tax roll. Such notice shall be mailed at least thirty (30) days before the date of the hearing.

##### 2. Amendments That Affect Ten (10) Contiguous Acres or More of Land

10+ acres

An amendment to the Official Zoning Atlas or an amendment to the text of this Code that

affects ten (10) contiguous acres or more of the land in the County's jurisdiction does not require notice by mail.

#### **E. POSTING OF NOTICE**

1. After an application has been filed for an amendment to the Official Zoning Atlas, for a Planned Development, for conditional use approval, for a major adjustment to a conditional use, for a variance or requesting a Class A Mobile Home to be defined as a detached single-family dwelling unit, the Community Development Director (or the Public Works Director depending on the application for public hearing that is filed) shall cause the posting of a sign or signs on the property concerned. The sign or signs shall not be less than ten (10) square feet in size and located where, in the judgment of the Director, the sign or signs would be in the most conspicuous place to the passing public. Each sign shall contain the following information:
  - a. Present zoning and requested rezoning classification, if applicable;
  - b. Conditional use information, if applicable;
  - c. Class A Mobile Home information, if applicable;
  - d. Variance information, if applicable; and
  - e. Dates of scheduled hearings.

The sign or signs shall be posted not less than ten (10) days prior to the public hearing. The Director will only be responsible for erection of the sign or signs.

2. The Community Development Director (or the Public Works Director depending on the application for public hearing that is filed) shall provide a signed affidavit stating that the notice was posted at the initiation of the advertising period. Failure to maintain a conspicuous notice on the property shall not affect any change or amendment of said Code.

#### **11.00.04 HEARING PROCEDURES**

##### **A. SETTING THE HEARING**

When the Community Development Director (or the Public Works Director depending on the application for public hearing that is filed) determines that an application for an amendment to the Official Zoning Atlas, an application for an amendment to the text of this Code, an application for a Planned Development, an application for conditional use approval, an application for a major adjustment to a conditional use, an application requesting a Class A Mobile Home be defined as a detached single-family dwelling unit, or an application for a variance is completed, or that a petition for an administrative appeal has been filed and is complete, the Director shall notify the appropriate decision making body so a public hearing may be set and notice given in accordance with the provisions of this Code.

##### **B. EXAMINATION AND COPYING OF APPLICATION AND OTHER DOCUMENTS**

Any time after the provision of notice, as required by this Code in Section 11.00.03, any person may

examine the application or petition in question, and the material submitted in support or opposition to the application or petition in the Department of Community Development (or the Public Works Department depending on the application for public hearing that is filed) during regular business hours. Any person shall be entitled to obtain copies of the application or petition and other materials upon reasonable request and payment of a fee to cover the actual costs of providing such copies.

#### C. CONDUCT OF THE HEARING

##### 1. Rights of All Persons

Any person may appear at a public hearing, or may be represented by counsel or agent, and may submit documents, materials, and other written or oral testimony either individually or as a representative of an organization. Each person who appears at a public hearing shall identify himself, his address, and state the name and mailing address of any organization he represents. The body conducting the public hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.

##### 2. Continuance of Hearing

The body conducting the hearing may continue the hearing to a fixed date, time, and place.

#### D. RECORD OF THE HEARING

1. The transcript of testimony, when and if available, the minutes of the Secretary, all applications, exhibits, documents, materials, and papers submitted in any proceeding before the decision-making body, the Community Development Department's project files, if applicable, (or the Public Works Department files depending on the application for public hearing that is filed) and records, the report of the Community Development Director, if applicable, the report of the Public Works Director, if applicable, and the decision and report of the decision-making body shall constitute the record.

*Hearing to be recorded*

The body conducting the hearing shall record the proceedings by any appropriate means; upon request of any person to the Community Development Director, or the Public Works Director, and payment of a fee to cover the cost of transcription, the record may be transcribed and a copy provided to that person. If a sound recording is made, any person shall be entitled to listen to the recording at any reasonable time, or make copies at his own expense, at the Department of Community Development or the Public Works Department depending on the application for public hearing that is filed.

3. Any person shall be entitled to examine the record, at a reasonable time, or make copies at his own expense, at the Department of Community Development or the Public Works Department depending on the application for public hearing that is filed.

#### E. ACTION BY DECISION-MAKING BODY

The decision making body shall render its decision within a reasonable time, unless stated otherwise in this Code.

**F. NOTIFICATION**

Notification of the final decision on an application shall be mailed to all parties. A copy of the final decision shall be filed in the Department of Community Development.

**G. RECONSIDERATION OF ACTION**

**1. Board of County Commissioners**

- a. An action may be reconsidered by the Board of County Commissioners under the following circumstances:

1. On a decision when four (4) members voted, and the vote was two to two (2-2), a motion to reconsider may be made by any member of the Commission at the first meeting thereafter when all five (5) Commissioners are present. A motion to reconsider shall be approved by an affirmative vote of a majority of the five (5) Commissioners.
2. On any decision other than that described in Section 11.00.04(G)(1)(a), a motion to reconsider may be made at the first meeting thereafter at which a quorum is in attendance only by a Commission member voting on the prevailing side. A motion to reconsider may be seconded by any other member and shall be approved by an affirmative vote of the majority of the quorum in attendance. For purposes of this subparagraph, an absent member will be presumed to have voted on the prevailing side.

**2. Planning and Zoning Commission and Board of Adjustment**

- a. An action may be reconsidered by the Planning and Zoning Commission or the Board of Adjustment only upon motion of a member of the decision-making body voting with the prevailing side of the original vote. The motion must be made at the same or the immediately subsequent regular meeting of the body. A motion to reconsider may be seconded by any member.

**3. Notice**

- a. Action on a question pending reconsideration must follow the notice provisions in Section 11.00.03.

**H. APPEALS FROM BOARD OF COUNTY COMMISSIONERS DECISIONS**

Any person desiring to appeal a decision of the Board of County Commissioners under this Section may apply for judicial relief to the Circuit Court in the Nineteenth Judicial Circuit in and for St. Lucie County within thirty (30) days after rendition of the decision by the Board of County Commissioners. Review shall be governed by the Florida Rules of Appellate Procedure.

**11.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

**11.01.01 GENERALLY**

No development activity may be undertaken unless the activity is authorized by a Development Permit.

**11.01.02 PREREQUISITES TO ISSUANCE OF DEVELOPMENT PERMIT**

Except as provided in Section 11.01.03 below, a Development Permit shall not be issued unless the proposed development activity is authorized by a Final Development Order issued pursuant to this Code.

**11.01.03 EXCEPTIONS TO REQUIREMENT OF A FINAL DEVELOPMENT ORDER**

A Development Permit may be issued for the following development activities in the absence of a Final Development Order issued pursuant to this Code.

- A. Development necessary to implement a valid site plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The construction or alteration of a one- or two-family dwelling on a lot of record approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.

**11.01.04 POST-DEVELOPMENT ORDER CHANGES**

After a Preliminary or Final Development Order has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order.

A written record of the modification to a Preliminary or Final Development Order for a Conditional Use approval, Planned Development Final Site Plan Approval, Planned Development Preliminary Site Plan Approval, Major Development Site Plan Approval, Minor Development Site Plan Approval, Variance, Development of Regional Impact Development Order, Amendment to any portion the Comprehensive Plan, or Amendment to the Official Zoning Atlas, shall be entered upon the original Preliminary or Final Development Order and maintained in the files of the Community Development Director.

A written record of the modification to a Preliminary or Final Development Order for a Building Permit, Class A Mobile Home Permit, Mining Permit, or a Mobile Home (Tie Down) Permit, shall be entered upon the

original Preliminary or Final Development Order and maintained in the files of the Public Works Director.

## **11.02.00 PROCEDURE FOR REVIEW OF SITE PLANS**

### **11.02.01 PRE-APPLICATION CONFERENCE**

- A. Prior to filing for site plan review, the applicant is encouraged to meet with the Community Development Director to discuss the development review process and to be informed of which staff members to confer with about the application.

### **11.02.02 DESIGNATION OF MINOR SITE PLAN, MAJOR SITE PLAN, OR PLANNED DEVELOPMENT SITE PLAN**

#### **A. GENERALLY**

For purposes of these review procedures, all site plans shall be designated as either a Minor Site Plan, a Major Site Plan, or a Planned Development Site Plan according to the criteria below.

#### **B. MINOR SITE PLAN**

A proposed development shall be designated as a Minor Site Plan if it is:

1. Any division of land into less than ten (10) parcels but more than two (2) parcels in accordance with the provisions of Section 11.03.00.
2. Any multi-family residential development of less than fifty (50) units, that does not involve platting.
3. Any nonresidential use, including additions to existing structures of 6,000 to 24,999 square feet.
4. Any nonresidential use, less than 24,999 square feet, that provides drive-through or walk-up services .
5. Any nonresidential use, less than 24,999 square feet, that provides for the retail sales of motor or heating fuels.
6. Any commercial lodging establishment having less than six (6) units.

#### **C. MAJOR SITE PLAN**

A proposed development shall be designated as a Major Development Site Plan if it is:

1. Any division of land into ten (10) or more parcels, in accordance with the provisions of Section 11.03.00.
2. Any multi-family residential development of fifty (50) or more dwelling units.
3. Twenty five thousand (25,000) or more square feet of non-residential floor space.
4. All commercial lodging establishments having six (6) or more units available for rent or

lease.

5. Any development of land:

- a. where a portion of a parcel under unified control requests site plan approval and:
  - 1. at least one (1) acre of the parcel would remain vacant and undeveloped after approval of the proposed site plan and,
  - 2. the applicable zoning district designation of the remaining vacant land would allow development at a density or intensity that would require approval as a Major Site Plan; or,
- b. where the proposed development should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.

D. PLANNED DEVELOPMENT SITE PLAN

A proposed development shall be designated as a Planned Development Site Plan if it is:

- 1. A Planned Unit Development (Per Section 7.01.00);
- 2. A Planned Non-Residential Development (Per Section 7.02.00);
- 3. A Planned Mixed-Use Development (Per Section 7.03.00).
- 4. A Development of Regional Impact, as defined in Section 380.06, Florida Statutes, and in accordance with Section 11.02.02(E).

E. DEVELOPMENTS OF REGIONAL IMPACT

- 1. Application for a binding letter of determination from Department of Community Affairs required.

A developer shall be required to submit an application to and receive a determination from the Department of Community Affairs as to whether or not such development is a development of regional impact as defined in Section 380.06, Florida Statutes, under the following circumstances:

- a. If the development is at a presumptive numerical threshold or up to twenty (20) percent above a numerical threshold in the guidelines and standards in Chapter 380, Florida Statutes, or administrative rules promulgated thereunder; or
- b. The development is between a presumptive numerical threshold and twenty (20) percent below the numerical threshold, and St. Lucie County is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety or welfare of the citizens of more than one (1) county.



1. In the event that a development is between a presumptive numerical threshold and twenty (20) percent below the numerical threshold, the developer shall submit a request in writing to the Community Development Director for a determination as to whether or not St. Lucie County will require that an application for a binding letter of interpretation will be required to be submitted in regard to such development. The procedure for processing such requests in St. Lucie County shall be as follows:
2. Within thirty (30) days after receipt of the developer's written request, the Community Development Director shall make a determination in writing as to whether the County will require that the developer submit an application for a binding letter of interpretation. The Director shall provide by mail (certified, return receipt) or hand delivery, copies of the written determination to the developer and to the Board of County Commissioners. Any person may appeal the determination of the Director to the Board of County Commissioners by filing a written notice of intent to appeal with the County Director within fifteen (15) days of the date of receipt of the Director's written determination.

2. Application Requirements

- a. As to any development which is required by the provisions of Section 11.02.02(E) to submit for a binding letter of interpretation or for which the developer for any reason has submitted for a binding letter of interpretation, the application to St. Lucie County for any of the following:
  1. Comprehensive plan amendment;
  2. Rezoning;
  3. Planned Unit Development approval;
  4. Site Plan approval;
  5. Conditional Use approval;
  6. Special Exception; or
  7. for any other development permit, as defined in Section 380.031, Florida Statutes, shall be accompanied by a certified copy of the final determination by the Department of Community Affairs or any court judgment which constitutes a final judgment entered as a result of an appeal from a final order of the Department of Community Affairs making a determination on the Development of Regional Impact status of the project. St. Lucie County shall not receive or process any applications for Development Permits for any project or portion thereof, for which a binding letter of interpretation is required or is actually sought by the developer, until a final binding determination has been made as to the Development of Regional Impact status of the project.

- b. In any application for a Development Permit to St. Lucie County for a proposed development as to which a final binding determination has been made that the proposed development is not a Development of Regional Impact and that determination has been made in part or in whole based upon various commitments or limitations as to development made in the applicant's request for a binding letter, agreed to by the applicant, or otherwise imposed by the Department of Community Affairs to restrict the development in a way that it shall not constitute a Development of Regional Impact, such commitments, limitations or conditions shall be incorporated as conditions into all Development Permits issued by St. Lucie County, as if such conditions were fully set out in each Development Permit.

### 3. Filing Requirements

If a proposed development has been determined to be a Development of Regional Impact or if the developer has waived the right to request a binding letter of interpretation or otherwise agreed to the Development of Regional Impact status of a proposed development, then, as to such proposed development, any application to St. Lucie County as to the first Development Permit sought from St. Lucie County for such development shall be accompanied by, and there shall be filed simultaneously with it, an application for development approval seeking Development of Regional Impact review and approval as required in Section 380.06, Florida Statutes. No final action will be taken by St. Lucie County on any St. Lucie County Development Permit application as to a project for which Development of Regional Impact approval is being sought, until St. Lucie County is in a position to concurrently act upon the application for development approval.

### 4. Proposed Modification to a Development

In the event of a proposed modification to a development for which a binding letter of interpretation has been received by St. Lucie County indicating that the development was not a Development of Regional Impact, the following shall apply:

- a. In the event that the modification increases the size or scope of the development so that when the proposed modification is aggregated with the prior approved development that was determined not to be a Development of Regional Impact, that the aggregated development is at a presumptive numerical threshold or up to twenty (20) percent above a numerical threshold in the guidelines and standards of Chapter 380.06, Florida Statutes, or administrative rules promulgated thereunder, then the developer shall be required to submit an application for a binding letter of interpretation.
- b. In the event that the modification increases the size or scope of the development so that when the proposed modification is aggregated with the prior approved development that was previously determined not to be a Development of Regional Impact, that the aggregated development is at a presumptive numerical threshold or twenty (20) percent below the numerical threshold, then the provisions of Section 11.02.02(E)(1)(b) shall apply.
- c. The provisions of Sections 11.02.02(E)(2) and (3) shall also apply in the event of

a modification to a development which falls within the parameters of subparagraphs a and b above.

## **11.02.03 REVIEW OF APPLICATIONS FOR MINOR SITE PLANS**

### **A. GENERAL PROCEDURES**

1. An application for a Minor Site Plan shall be submitted to the Community Development Director in a form established by the Director along with an applicable fee as established in Section 11.12.00.
2. Within twenty (20) working days of receipt of the Site Plan, the Director shall:
  - a. Determine that the application is complete and forward the application to the Development Review Committee for further review; or
  - b. Determine that the application is incomplete and inform the applicant in writing of the missing components. The developer may submit a revised application within thirty (30) working days without payment of any additional processing fee. If more than thirty (30) days have elapsed before the applicant resubmits the application, the applicant shall be required to re-initiate the review process and pay an additional fee, as identified in Section 11.12.00 of this Code.

An application shall be determined to be complete only if the required submittals of Section 11.02.09 are provided.

3. The Development Review Committee shall review the application for Site Plan and shall determine whether the application complies with the requirements of this Code within twenty (20) working days. In reviewing the application and making a determination of compliance, the Development Review Committee shall use the standards in Section 11.02.07.
4. After the completion of the review by the Development Review Committee, the Chairman of the Development Review Committee shall:
  - a. Recommend that the Community Development Director determine that the application complies with the standards of Section 11.02.07; or
  - b. Inform the applicant and the Community Development Director in writing of the deficiencies of the application.

The applicant shall notify the Community Development Director within thirty (30) working days of this notice of deficiency of his intent to address the cited deficiencies. The applicant shall have a maximum of 120 days to respond to the cited deficiencies without payment of any additional processing fee. Upon the applicant's response to the cited deficiencies the revised application shall be reviewed by the Development Review Committee pursuant to Section 11.02.03(A)(3) and (4). If the applicant fails to respond to the cited deficiencies within 120 days, the applicant must thereafter reinitiate the review process and pay an additional fee, as identified in Section 11.12.00 of this Code.

5. Approval Procedure for All Minor Site Plans:

- a. The Community Development Director shall, within five working days following the receipt of the recommendation of the Development Review Committee, issue a decision approving, approving with conditions, or denying the application based upon the requirements of this Code.

B. APPEALS

Any final action by the Community Development Director in accordance with this Section may be appealed to the Board of Adjustment in accordance with the provisions of Section 11.11.01(B)(3).

C. MINOR ADJUSTMENT TO MINOR DEVELOPMENT SITE PLANS

The Community Development Director may authorize minor adjustments to the approved Minor Site Plan. Such minor adjustments shall be consistent with the intent and purpose of the St. Lucie County Comprehensive Plan, the standards and requirements of this Code, and the development as approved, and shall be the minimum necessary to overcome the particular difficulty. Such minor adjustments shall be limited to the following:

1. Increasing any dimension of any one (1) structure by not more than twenty-five (25) percent; or
2. Altering the location of any one (1) primary structure or group of primary structures by not more than fifty (50) feet; or
3. Altering the net density of any one (1) stage or phase by not more than ten (10) percent; or
4. Altering the location of any circulation element by not more than fifty (50) feet. The relocation of any circulation element by more than fifty (50) feet will be considered a major adjustment unless the relocation results in a reduction of impervious surface area; or
5. Altering the location of any open space by not more than fifty (50) feet; or
6. Reducing the total amount of open space by not more than five (5) percent or reducing the yard area or open space associated with any single structure by not more than five (5) percent; or
7. Altering the location, type, or quality of landscaping elements.
8. The addition or relocation of any accessory structure or use so long as the proposed addition or relocation does not conflict with any portion of any required open space, building separation requirements or other provisions of this Code.

D. MAJOR ADJUSTMENTS TO MINOR SITE PLANS

Any other adjustment, including the cumulative effects of separate minor adjustments made since July 1, 1984, to an approved minor site plan shall require approval by the Community Development Director of a new Minor Site Plan subject to the standards of this Code.

## **11.02.04 REVIEW OF APPLICATIONS FOR MAJOR SITE PLANS**

### **A. GENERAL PROCEDURES**

1. An application for a Major Site Plan shall be submitted to the Community Development Director in a form established by the Director along with an applicable fee as established in Section 11.12.00.
2. Within twenty (20) working days of receipt of the Site Plan, the Director shall:
  - a. Determine that the application is complete and direct the application to the Development Review Committee for further review; or,
  - b. Determine that the application is incomplete and inform the applicant in writing of the missing components. The applicant may submit a revised plan within thirty (30) working days without payment of any additional processing fee, but, if more than thirty (30) days have elapsed, must thereafter reinitiate the review process and pay additional fees as identified in Section 11.12.00.

An application shall be determined to be complete only if the required submittals of Section 11.02.09 are provided.

3. The Development Review Committee shall review the application for Site Plan and determine whether the application proposal complies with the requirements of this Code within twenty (20) working days. In reviewing the application and making a determination of compliance, the Development Review Committee shall use the standards in Section 11.02.07.
4. After the completion of the review by the Development Review Committee, the Chairman of the Development Review Committee shall:
  - a. Recommend that the Community Development Director determine that the application complies with the standards of Section 11.02.07;
  - b. Inform the applicant and the Community Development Director in writing of the deficiencies of the application.

The applicant shall notify the Community Development Director within thirty (30) working days of this notice of deficiency of his intent to address the cited deficiencies. The applicant shall have a maximum of 120 days to respond to the cited deficiencies without payment of any additional processing fee. Upon the applicant's response to the cited deficiencies the revised application shall be reviewed by the Development Review Committee pursuant to Section 11.02.03(A)(3) and (4). If the applicant fails to respond to the cited deficiencies within 120 days the applicant must thereafter reinitiate the review process and pay an additional fee, as identified in Section 11.12.00 of this Code.

5. The Chairman of the Development Review Committee shall notify the Community Development Director that the Site Plan is ready for presentation to the Board of County Commissioners and request that this application for major site plan approval be placed on

the next available regular County Commission agenda.

6. The Chairman of the Development Review Committee shall issue a written report to the Community Development Director setting forth findings and conclusions supporting a recommendation to the Board of County Commissioners for approval, approval with conditions, or denial of the Site Plan.
7. The Community Development Director shall issue a report to the Board of County Commissioners citing the recommendations of the Development Review Committee and provide a recommendation of approval, approval with conditions or denial of the site plan.
8. The Board of County Commissioners shall consider the Site Plan at a regularly scheduled public meeting. In reviewing the application for site plan approval, the Board of County Commissioners shall consider the report of the Community Development Director and shall determine whether the proposed development specified in the application meets the provisions of this Code, and in particular the standards and criteria of Section 11.02.09; the St. Lucie County Comprehensive Plan; and any other applicable County ordinances. Within a reasonable time of the conclusion of its review, the Board of County Commissioners will approve, approve with conditions or deny the application. The decision on the application shall be by resolution setting forth the findings of the Board of County Commissioners and any condition, limitation, or requirement of such decision.
9. Notification of the Board of County Commissioners' decision shall be mailed to the applicant and filed with the Office of the Department of Community Development in accordance with Section 11.00.04(F).

#### B. APPEALS

Any final action by a the Board of County Commissioners made in accordance with the provisions of this Section may be appealed as provided in Section 11.11.00.

#### C. MINOR ADJUSTMENT TO MAJOR SITE PLANS

1. The Community Development Director may authorize minor adjustments to the approved Major Site Plan. Such minor adjustments shall be consistent with the intent and purpose of the St. Lucie County Comprehensive Plan, the standards and requirements of this Code, and the development as approved, and shall be the minimum necessary to overcome the particular difficulty. Such minor adjustments shall be limited to the following:
  - a. Increasing any dimension of any one (1) structure by not more than twenty-five (25) percent; or,
  - b. Altering the location of any one (1) structure or group of structures by not more than one hundred (100) feet; or,
  - c. Altering the net density of any one (1) stage or phase by not more than ten (10) percent; or,
  - d. Altering the location of any circulation element by not more than fifty (50) feet.

Relocation of any circulation element by more than fifty (50) feet will be considered a major adjustment unless the relocation results in a reduction in impervious surface area; or,

- e. Altering the location of any open space by not more than fifty (50) feet; or,
- f. Reducing the total amount of open space by not more than five (5) percent or reducing the yard area or open space associated with any single structure by not more than five (5) percent; or,
- g. Altering the location, type, or quality of landscaping elements.
- h. The addition or relocation of any accessory structure or use so long as the proposed addition or relocation does not conflict with any portion of any required open space, building separation requirements or other provisions of this Code.

- 2. Notice of the authorization of such minor adjustments shall be provided to the Board of County Commissioners.

#### **D. MAJOR ADJUSTMENTS TO MAJOR DEVELOPMENT SITE PLANS**

Any other adjustment to the approved site plan shall be considered a Major Adjustment and shall be granted only upon application to and approval by the Board of County Commissioners. The review and processing procedures for the major adjustment review shall be consistent with Section 11.02.04(A).



**11.02.05**

**REVIEW OF APPLICATIONS FOR PRELIMINARY AND FINAL SITE PLANS FOR PLANNED DEVELOPMENTS**

**A. REVIEW OF PRELIMINARY SITE PLANS**

1. An application for a Preliminary and Final Site Plan shall be submitted to the Community Development Director in a form established by the Director along with an applicable fee as established in Section 11.12.00.
2. Within twenty (20) working days of receipt of a Preliminary Site Plan, the Director shall:
  - a. Determine that the application is complete and direct the application to the Development Review Committee for further review; or
  - b. Determine that the information is incomplete and inform the applicant in writing of the missing components. The applicant may submit an amended plan within thirty (30) working days without payment of any additional fee, but if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay an additional fee as identified in Section 11.12.00 of this Code.

An application shall be determined to be complete only if the required submittals of Section 11.02.10 are provided.

3. The Development Review Committee shall review the application for Preliminary Site Plan and determine whether the application complies with the requirements of this Code within twenty (20) working days. In reviewing the application and making a determination of compliance, the Development Review Committee shall use the standards in Section 11.02.07.
4. After the completion of the review by the Development Review Committee, the Chairman of the Development Review Committee shall:
  - a. Recommend that the Community Development Director determine that the application complies with the standards of Section 11.02.07; or
  - b. Inform the Community Development Director in writing of the deficiencies of the application.

The applicant shall notify the Community Development Director within thirty (30) working days of this notice of deficiency of his intent to address the cited deficiencies. The applicant shall have a maximum of 120 days to respond to the cited deficiencies without payment of any additional processing fee. Upon the applicant's response to the cited deficiencies the revised application shall be reviewed by the Development Review Committee pursuant to Section 11.02.03.A.3 and 4. If the applicant fails to respond to the cited deficiencies within 120 days, the applicant must thereafter reinitiate the review process and pay an additional fee, as identified in Section 11.12.00 of this Code.

5. The Chairman of the Development Review Committee shall notify the Community Development Director that the Site Plan is ready for presentation to the Planning and

**Zoning Commission.**

6. The Development Review Committee shall issue a written report to the Community Development Director setting forth findings and conclusions supporting a recommendation to the Planning and Zoning Commission for approval, approval with conditions, or denial of the Preliminary Site Plan.
7. Upon notification from the Development Review Committee that the Preliminary Site Plan is complete, the Community Development Director shall place the application for preliminary site plan approval on the next Planning and Zoning Commission agenda in accordance with the procedures set out in Section 11.00.03.
8. The Community Development Director shall issue a written report to the Planning and Zoning Commission citing the recommendations of the Development Review Committee and provide a recommendation of approval, approval with conditions or denial of the Site Plan.
9. The Planning and Zoning Commission shall conduct a hearing on the Preliminary Site Plan to determine whether it satisfies the requirements of this Code. The public hearing held on the application shall be in accordance with Section 11.00.04. In reviewing and making a recommendation on the application and Preliminary Site Plan, the Commission shall use the standards in Section 11.02.07.
10. Within a reasonable time of the hearing, not to exceed 60 days the Planning and Zoning Commission shall submit a written recommendation and findings to the Board of County Commissioners for approval, approval with conditions, or denial of the Preliminary Site Plan.
11. The Board of County Commissioners shall consider the Preliminary Site Plan at a scheduled public hearing in accordance with the requirements of Section 11.00.03. The public hearing held on the application shall be in accordance with Section 11.00.04. In making a decision on the application, the Board of County Commissioners shall consider the recommendations of the Planning and Zoning Commission and the Community Development Director and the standards specified in Section 11.02.07.
12. Within a reasonable time of the conclusion of the public hearing, the Board of County Commissioners will approve, approve with conditions or deny the application or will direct the Community Development Director to issue a Preliminary Site Plan approval, with such conditions as may be necessary.

**B. REVIEW OF FINAL SITE PLANS**

1. The applicant shall submit a Final Site Plan and supporting documentation for review prior to the expiration of the Preliminary Development Order in a form established by the Community Development Director.
2. Within twenty (20) working days of receipt of the Final Site Plan, the Community Development Director shall:

- a. Determine that the Final Site Plan is complete and direct the application to the Development Review Committee for further review; or,
- b. Determine that the information is incomplete and inform the applicant in writing of the missing components. The applicant may submit a revised Final Site Plan within thirty (30) working days without payment of a reapplication fee, but, if more than thirty (30) days have elapsed before the applicant resubmits the application, the applicant shall be required to re-initiate the review process and pay an additional fee, as identified in Section 11.12.00.

An application shall be determined to be complete only if the required submittals of Section 11.02.10 are provided.

- 3. The Community Development Director shall review the Final Site Plan and determine whether the proposal is in substantial conformity with the approved Preliminary Site Plan within twenty (20) working days.
- 4. Once a determination of conformity is made, the Community Development Director shall place the application for Final Site Plan approval on the Board of County Commissioners agenda in accordance with the procedures set out in Section 11.00.03.
- 5. The Community Development Director shall issue a written report setting forth findings and conclusions supporting a recommendation to the Board of County Commissioners for approval, approval with conditions, or denial of the Final Site Plan.
- 6. Substantial Conformity:

A Final Site Plan will not be deemed to be in substantial conformity with the approved Preliminary Site Plan if it:

- a. Departs by more than ten (10) percent from the maximum density or ground coverage; or
- b. Changes by more than ten (10) percent the floor area to be devoted to any residential or non-residential use; or
- c. Decreases by more than ten (10) percent the area provided for public and private open space, or changes the general location of such area; or
- d. Relocates approved circulation elements to the extent that would decrease their functionality, adversely affect surrounding lands and circulation elements, or reduce their effectiveness as buffers or amenities; or
- e. Significantly alters the arrangement of land uses within the development; or
- f. Significantly alters the character of the development proposed in the Preliminary Site Plan; or
- g. Is not consistent with the St. Lucie County Comprehensive Plan.

7. After the review and recommendation of the Community Development Director, the Board of County Commissioners shall conduct a public hearing on the Final Site Plan to determine whether it is in substantial conformity with the approved Preliminary Site Plan. The public hearing shall be in accordance with the procedural requirements of this Chapter. If the Board of County Commissioners determines that the Final Site Plan is in substantial conformity with the approved Preliminary Site Plan, it will direct the Community Development Director to issue a Final Development Order, with such conditions as may be necessary. If the Board of County Commissioners determines that the Final Site Plan is not in substantial conformity with the approved Preliminary Site Plan, it shall deny the Final Site Plan.
8. Notification of the Board of County Commissioners' decision shall be mailed to all parties and filed with the Community Development Director, in accordance with Section 11.00.04(F).
9. Approval of the Final Site Plan by the Board of County Commissioners, together with the acceptance of all conditions associated with that approval, shall constitute a certified Final Planned Development Site Plan.
10. Upon approval of the Final Site Plan, the Board of County Commissioners shall direct the Community Development Director to amend the Official Zoning Atlas to reflect Planned Unit Development (PUD), Planned Non-Residential Development (PNRD) or Planned Mixed Use Development (PMUD) zoning for the approved development.

**C. PROJECT PHASING**

Phasing of Planned Developments shall be in accordance with Sections 7.01.03(K) and 7.02.03(I).

**D. APPEALS**

Any final action including approval or denial of the preliminary PUD site plan by the Board of County Commissioners made in accordance with the provisions of this Section may be appealed as provided in Section 11.11.00.

**E. MINOR ADJUSTMENTS**

The Community Development Director may authorize minor adjustments to an approved Final Planned Development Site Plan. Such minor adjustments shall be consistent with the intent and purpose of the St. Lucie County Comprehensive Plan, the standards and requirements of this Code, and the development as approved, and shall be the minimum necessary to overcome the particular difficulty. Such minor adjustments shall be limited to the following:

1. Increasing any dimension of any one (1) primary structure or structures by not more than twenty-five (25) percent; or
2. Altering the location of any one (1) structure or group of structures collectively by not more than one hundred (100) feet provided that the relocation does not result in any encroachment into an area or areas designated as preserved or otherwise protected, without the applicant providing substantial evidence that the preserved or otherwise

protected area is no longer needed or has been equitably compensated for; or

3. Increasing the net density of any one (1) stage or phase by more than ten (10) percent; or
4. Altering the location of any primary circulation element by not more than fifty (50) feet. Relocation of any primary circulation element by more than fifty (50) feet will be considered a major adjustment unless the relocation results in a reduction in impervious surface area; or,
5. Altering the location of any open space by not more than one hundred (100) feet; or,
6. Reducing the total amount of open space by not more than ten (10) percent or reducing the yard area or open space associated with any single structure by not more than ten (10) percent. In no case shall the total amount of open space be permitted to be less than the minimum amount of open space required under the planned development district regulations, unless otherwise varied by the Board of Adjustment or as may be permitted by the other provisions of this Code; or
7. Altering the location, type, or quality of landscaping elements; or,
8. Reducing the gross density or intensity of the approved development.

Notice of the authorization of such minor adjustments shall be provided to the Board of County Commissioners.

#### **F. MAJOR ADJUSTMENTS**

1. Any other adjustment to the approved final site plan shall be a major adjustment and shall be granted only upon application to and approval by the Board of County Commissioners, which may grant approval for major adjustments only after a public hearing and upon finding that any proposed changes in the approved Final Planned Development Site Plan will be in substantial conformity with the original approval. The Board of County Commissioners shall place the application for major adjustment on the agenda of a regularly scheduled meeting for a public hearing in accordance with the requirements of Section 11.00.03. The public hearing on the application shall be held in accordance with Section 11.00.04.
2. If the Board of County Commissioners determines that the major adjustments are not in substantial conformity with the original approval, then it shall refer the request to the Community Development Director for initiation of a new Preliminary Site Plan, in accordance with the provisions of Section 11.02.05(A) of this Code.

**EXPIRATION OF FINAL SITE PLAN APPROVAL****A. EFFECTIVE APPROVAL PERIOD FOR A SITE PLAN**

1. Except as provided in this Section, a Minor Site Plan approval or a Major Site Plan approval shall be valid for purposes of securing a building permit for twenty four (24) months from the date of approval. Unless a building permit is secured within twenty four (24) months, the site plan shall expire automatically.

A Minor Site Plan approval or a Major Site Plan approval may be conditioned so that the period of validity is less than twenty four (24) months, if it is demonstrated through the issuance of a Certificate of Capacity that necessary public services required for that development are not guaranteed by the service provider for more than the identified period of time.

2. A Preliminary Planned Development Site Plan approval issued consistent with Section 11.02.05(A) shall be valid for a period of twenty four (24) months from the date of approval. Failure to obtain a Final Planned Development Site Plan approval within twenty four (24) months of the Preliminary Planned Development Site Plan approval shall void the Preliminary Planned Development Site Plan approval or an extension of Preliminary Planned Development Site Plan approval according to the provisions of Section 11.02.06(B)(3)(a) of this Code.

A Preliminary Planned Development Site Plan approval may be conditioned so that the period of validity is less than twenty four (24) months, if it is demonstrated through the issuance of the elective Certificate of Capacity that necessary public services required for that development are not guaranteed by the service provider for more than the identified period of time.

3. Except as provided in this Section, a Final Planned Development Site Plan approval shall be valid for purposes of securing a building permit for twenty four (24) months from the date of approval. Unless a building permit is secured within twenty four (24) months, the Final Planned Development Site Plan shall expire automatically.

A Final Planned Development Site Plan approval may be conditioned so that the period of validity is less than twenty four (24) months, if it is demonstrated through the issuance of a Certificate of Capacity that necessary public services required for that development are not guaranteed by the service provider for more than the identified period of time.

**B. SITE PLAN EXTENSIONS**

1. Minor Site Plan Extensions

- a. Notwithstanding the other provisions of this Code, a Minor Site Plan approval may be extended by the Community Development Director, for periods of up to twelve (12) months, from its date of expiration. Any request for site plan extension shall be submitted in writing to the Director at least two weeks prior to the date of site plan expiration. All requests for site plan extension shall be accompanied by a complete explanation of the reasons that the site plan extension is necessary.

- b. No Minor Site Plan shall be extended for any period beyond 12 months of the date of original expiration as set forth in the Final Development Order for that Minor Site Plan without undergoing a complete re-review in accordance with the provisions of Section 11.02.00 and demonstration of compliance with all applicable codes in effect at that time.

## 2. Major Site Plan Extensions

- a. Notwithstanding the other provisions of this Code, a Major Site Plan approval may be extended by the Board of County Commissioners, for periods of up to twelve (12) months, from its date of expiration. Any request for site plan extension shall be submitted in writing to the Community Development Director at least two weeks prior to the date of site plan expiration. All requests for site plan extension shall be accompanied by a complete explanation of the reasons that the site plan extension is necessary.
- b. No Major Site Plan shall be extended for any period beyond 24 months of the date of original expiration as set forth in the Final Development Order for that Major Site Plan without undergoing a complete re-review and demonstration of compliance with all applicable codes in effect at that time.

## 3. Planned Development Site Plan Extensions

- a. Notwithstanding the other provisions of the Code, a Preliminary Planned Development Site Plan approval may be extended by the Board of County Commissioners, for periods of up to twelve (12) months, from its date of expiration following a public hearing before the Board of County Commissioners consistent with the provisions of Section 11.00.03 and 11.00.04. All requests for Planned Development Site Plan extension shall be accompanied by a complete explanation of the reasons that the site plan extension is necessary.
- b. No Preliminary Planned Development Site Plan shall be extended for any period beyond 12 months from the date of original expiration as set forth in the Preliminary Development Order for that Preliminary Planned Development Site Plan without undergoing a complete re-review in accordance with the provisions of Section 11.02.00 and demonstration of compliance with all applicable codes in effect at that time.
- c. Notwithstanding the other provisions of the Code, a Final Planned Development Site Plan approval may be extended by the Board of County Commissioners, for periods of up to twelve (12) months, from its date of expiration following a public hearing before the Board of County Commissioners consistent with the provisions of Section 11.00.03 and 11.00.04. All requests for Planned Development Site Plan extension shall be accompanied by a complete explanation of the reasons that the site plan extension is necessary.
- d. No Final Planned Development Site Plan shall be extended for any period beyond 24 months from the date of original expiration as set forth in the Final Development Order for that Final Planned Development Site Plan without undergoing a complete

re-review in accordance with the provisions of Section 11.02.00 and demonstration of compliance with all applicable codes in effect at that time.

**C. ABANDONMENT OF CONSTRUCTION**

1. In cases where a building permit has been secured, but construction has not commenced and proceeded toward completion, site plan approval shall terminate and become null and void after notice and hearing by the Board of County Commissioners if the Board by a 4/5 vote determines that construction of the approved development plan has been abandoned or suspended. For the purpose of this paragraph, construction shall be considered to be abandoned or suspended if at the hearing it is shown:
  - a. That an active building permit had not been maintained in accordance with the approved site plan and Section 13.00.00, or;
  - b. It is shown to the satisfaction of the Board of County Commissioners that the applicant has not proceeded toward the completion of the permitted structure(s) for a six month period prior to the issuance of a Notice of Intent to Revoke, unless the inactivity is attributable to the deliberate and scheduled phasing of a multiphase project.
2. A public hearing to consider the revocation of site plan approval shall be scheduled before the Board of County Commissioners in accordance with requirements of Section 11.00.04. Formal notice of this public hearing shall be provided to those parties identified on the Building Permit application.
3. This section shall not operate to invalidate any site plan prior to the end of the initial twenty four (24) month approval period or any authorized extension thereof.



## **11.02.07 STANDARDS FOR SITE PLAN REVIEW**

Site plan approval shall be granted only if the applicant demonstrates the following:

### **A. CONSISTENCY WITH LOCAL ORDINANCES AND COMPREHENSIVE PLAN**

The proposed building or use is consistent with the general purpose, goals, objectives, and standards of this Code, the St. Lucie County Comprehensive Plan, and the Code and Compiled Laws of St. Lucie County; and the proposed use complies with all additional standards imposed on it by the particular provisions of this Code authorizing such use and any other requirement of the Code and Compiled Laws of St. Lucie County.

### **B. EFFECT ON NEARBY PROPERTIES**

1. The proposed building or use will not have an undue adverse effect upon nearby property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
2. All reasonable steps have been taken to minimize any adverse effect of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening.
3. The proposed building or use will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.

### **C. ADEQUACY OF PUBLIC FACILITIES**

The proposed building or use complies with the standards of Chapter V, Adequate Public Facilities.

### **D. ADEQUACY OF FIRE PROTECTION**

The applicant has obtained from the St. Lucie County - Fort Pierce Bureau of Fire Prevention written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

### **E. ADEQUACY OF SCHOOL FACILITIES**

The proposed building or use will be served by adequate school facilities.

### **F. ENVIRONMENTAL IMPACT**

For developments required to provide an environmental impact report under Section 11.02.09(A)(5), the proposed development will not contravene any applicable provision of the St. Lucie County Comprehensive Plan, or of Chapter VIII, "Natural Environment Analysis", of the St. Lucie County Barrier Island Study Analysis of Growth Management Policy Plan, Kimley-Horn and Associates, Inc. (August, 1982).

## **11.02.08 CONDITIONS ON SITE PLAN APPROVAL**

### **A. MINOR SITE PLAN APPROVALS**

The Community Development Director shall attach any reasonable condition, limitation, or requirement to a Minor Site Plan approval as is necessary to effectuate the purposes of this Section and to carry out the spirit and purpose of this Code and the St. Lucie County Comprehensive Plan. Such conditions shall be set forth expressly in the Final Development Order approving the site plan and shall include the following:

#### **1. TRAFFIC CONTROL DEVICES**

Whenever, as the result of additional traffic generated by a proposed development, it is determined based on the Manual on Uniform Traffic Control Devices that there is a need for installation of traffic control devices (including traffic signals, signing, and pavement markings) to ensure safe traffic circulation onto and off of the site, the site plan shall not be approved except upon the condition that the applicant be responsible for installing all said devices and signs, or make an equitable contribution toward such installation. In the case of those developments accessing onto any portion of the State Highway system, concurring approval, in the form of a Notice of Intent or other authorized conceptual approval, from the Florida Department of Transportation about any signals or other regulatory devices is required to be obtained before any Final Development Order is issued.

#### **2. ACCESS IMPROVEMENTS**

A site plan shall not be approved except upon the condition that the applicant provide the access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.

#### **3. WATER AND SEWER DRY LINE IMPROVEMENTS**

If the proposed development is within a water or sewer utility's five (5) year service area, the developer shall construct and dedicate to the County, or at the County's discretion, the applicable service provider, dry water and sewer lines in accordance with standards and specifications of the County and the applicable service provider.

#### **4. CONNECTED TO REGIONAL UTILITY SYSTEMS**

A site plan shall not be approved except upon the condition that the development connect to a regional potable water distribution and/or wastewater collection system when the system becomes available to service the development.

#### **5. RIGHT-OF-WAY DEDICATIONS**

A site plan shall not be approved that does not provide for dedication of the necessary right-of-way as required in Section 7.05.02.

**6. PROJECTS REQUIRING OTHER REGULATORY APPROVAL**

- a. For developments requiring any permit from the United States Army Corps of Engineers, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or any other state or federal regulatory authority, the Community Development Director shall not approve unconditionally a Minor Site Plan until it has received from such agency notice of either issuance of or intent to issue the required regulatory permit.
- b. The Community Development Director may approve a Minor Site Plan conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit if it can make, on a tentative basis and subject to confirmation, the findings required in Section 11.02.07(E). A site plan approval conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Board of County Commissioners, after reviewing the regulatory permit application and other information, from revoking such conditional site plan approval based solely upon an inability to confirm the findings required in Section 11.02.07(F) or from protesting the permit application.

**7. COMPREHENSIVE PLAN AND CODE**

The Community Development Director may add any condition deemed necessary to ensure compliance with the provisions of this Code, the St. Lucie County Comprehensive Plan and the St. Lucie County Code and Compiled Laws.

**B. MAJOR SITE PLAN APPROVALS**

The Board of County Commissioners shall attach any reasonable condition, limitation, or requirement to a site plan approval as is necessary to effectuate the purposes of this Section and to carry out the spirit and purpose of this Code and the St. Lucie County Comprehensive Plan. Such conditions shall be set forth expressly in the Final Development Order approving the site plan and shall include the following:

**1. TRAFFIC CONTROL DEVICES**

Whenever, as the result of additional traffic generated by a proposed development, it is determined based on the Manual on Uniform Traffic Control Devices that there is a need for installation of traffic control devices (including traffic signals, signing, and pavement markings) to ensure safe traffic circulation onto and off of the site, the site plan shall not be approved except upon the condition that the applicant be responsible for installing all said devices and signs, or make an equitable contribution toward such installation. In the case of those developments accessing onto any portion of the State Highway System, concurring approval, in the form of a Notice of Intent or other authorized conceptual approval, from the Florida Department of Transportation about any signals or other regulatory devices is required to be obtained before any Final Development Order is issued.

**2. ACCESS IMPROVEMENTS**

A site plan shall not be approved except upon the condition that the applicant provide the

access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.

**3. WATER AND SEWER DRY LINE IMPROVEMENTS**

If the proposed development is within a water or sewer utility's five (5) year service area, the developer shall construct and dedicate to the County, or at the County's discretion, the applicable service provider, dry water and sewer lines in accordance with standards and specifications of the County and the applicable service provider.

**4. CONNECTED TO REGIONAL UTILITY SYSTEMS**

A site plan shall not be approved except upon the condition that the development connect to a regional potable water distribution and/or wastewater collection system when the system becomes available to service the development.

**5. RIGHT-OF-WAY DEDICATIONS**

A site plan shall not be approved that does not provide for dedication of the necessary right-of-way as required in Section 7.05.02.

**6. PROJECTS REQUIRING OTHER REGULATORY APPROVAL**

- a. For developments requiring any permit from the United States Army Corps of Engineers, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or any other state or federal regulatory authority, the Board of County Commissioners shall not approve unconditionally a site plan until it has received from such agency notice of either issuance of or intent to issue the required regulatory permit.
- b. The Board of County Commissioners may approve a site plan conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit if it can make, on a tentative basis and subject to confirmation, the findings required in Section 11.02.07(E). A site plan approval conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Board of County Commissioners, after reviewing the regulatory permit application and other information, from revoking such conditional site plan approval based solely upon an inability to confirm the findings required in Section 11.02.07(F) or from protesting the permit application.

**7. REDUCTION IN MAXIMUM RESIDENTIAL DENSITY**

The Board of County Commissioners shall require a reduction from the maximum density permitted in the zoning district in which a proposed development is to be located when such allowable maximum residential density:

- a. would impose an excessive burden, as determined by recognized engineering or other professional standards, on public facilities that would serve the proposed development; or

- b. would contravene any goal, objective, or policy of the St. Lucie County Comprehensive Plan, or of Chapter VIII, "Natural Environment Analysis", of the St. Lucie County Barrier Island Study Analysis of Growth Management Policy Plan, Kimley-Horn and Associates, Inc. (August, 1982).

**8. COMPREHENSIVE PLAN AND CODE**

The Board of County Commissioners may add any condition deemed necessary to ensure compliance with the provisions of this Code, the St. Lucie County Comprehensive Plan and the St. Lucie County Code and Compiled Laws.

## **11.02.09 SUBMITTALS FOR MINOR AND MAJOR SITE PLANS**

### **A. MINOR AND MAJOR SITE PLAN REQUIREMENTS**

Site Plan submittals shall include the following materials:

1. General Information
  - a. The applicant's name and address.
  - b. The applicant's interest in the subject property.
  - c. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application.
  - d. The street address and a legal description of the property.
  - e. The present zoning classification and existing uses of the subject property proposed to be reclassified.
  - f. Information on land areas adjacent to the proposed development and an indication of the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the land.
  - g. A development schedule indicating the approximate date construction of the development or stages of the development can be expected to begin and be completed.
  - h. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the development, such as land areas, dwelling units, and commercial facilities.
  - i. A statement describing whether the project will utilize existing water and sewer facilities and if so a letter from the service provider stating capacity will be available for the project.
2. Existing Conditions
  - a. An aerial photograph of the property on which the development activity is to take place. The aerial photograph used to satisfy this requirement may be obtained from the St. Lucie County Property Appraiser.
  - b. Detailed location sketch of the proposed development designating the section, township and range.
  - c. A topographic survey of the entire project site, prepared in accordance with the current standards of Chapter 61G17-6 FAC, which shall include, at a minimum: the project boundaries, a north arrow, a scale indicator, bench mark information

(NGVD) and;

1. One (1) foot contours shall be shown and shall extend at least 50 feet around the project site, except that the Community Development Director may authorize partial relief from this standard when the following conditions exist:
  - a. Existing grade conditions, throughout the site are such that one foot contours would not be discernable. In these instances, contours at two (2) foot intervals may be provided; and/or,
  - b. Existing grade conditions, over the entire site, vary less than two feet above base elevation.
2. A sufficient number of spot elevations shall be shown to support the contour information and to accurately reflect the site topography.

All topographic surveys shall be submitted on a sheet size twenty-four (24") by thirty-six (36") inches and shall be the same scale as the project site plan.

All topographic surveys shall have been prepared within the 24 months prior to the application for site plan being filed and shall reflect current property conditions.

- d. A boundary survey and legal description prepared in accordance with the current standards of Chapter 61G17-6 FAC. All boundary surveys shall be submitted on a sheet size twenty-four (24) inches by thirty-six (36) inches and shall be the same scale as the project site plan. All boundary surveys shall have been prepared within the 12 months prior to the application for site plan being filed and shall contain at a minimum the following information, as applicable:
  1. location of the Coastal Construction Control Line, along with all necessary recording data,
  2. The location of the Mean highwater, or safe upland line, along with a description of how these lines were determined,
  3. The location of all submerged lands,
  4. The limits and elevations of any jurisdictional wetlands, which shall contain bearing and distance information used in determining the extent of these areas, along with the identification of the agency or agencies claiming jurisdiction.
  5. The location of all existing improvements.
  6. Acreage certifications of all lands lying above mean high water or the safe upland line; and,
  7. All boundary surveys are to be tied to a monumented section line or the

nearest 1/4 section line, and shall be so noted on the boundary survey.

- e. Identification of legal positive outfall, if applicable.
- f. The boundaries of the one hundred (100)-year floodplain, including all sub-zones within the one hundred (100)-year floodplain and an identification of the minimum required first floor elevations for all parts of the proposed development site.
- g. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
- h. Available preliminary drainage information that is to be submitted to the South Florida Water Management District intended to serve as the basis for issuance of its permit under Chapter 40E-40 and 40E-41 F.A.C., if applicable.
- i. An illustrative plan of the existing vegetative conditions on the project site, including an identification of what areas will be impacted by the proposed development activity and what areas are proposed for protection/preservation. All vegetative survey information shall be submitted on a sheet size twenty-four (24) inch by thirty-six (36) inch and shall be the same scale as the project site plan.

### 3. Proposed Development Activity and Design

All site detail sheets shall be submitted on a sheet size twenty-four (24) by thirty-six (36) inches and at a scale no smaller than one (1) inch equals fifty (50) feet, all dimensions in decimals, unless otherwise approved in writing by the Community Development Director during the pre-application conference. For large projects, a smaller scale generalized plot plan may be submitted as a cover sheet to the detail sheets. Detail sheets shall include the following information:

- a. The location of the property by lot number, block number, and street address, if any.
- b. The boundary lines of the property, the dimensions of the property, existing subdivision easements, roadways, rail lines, and public rights-of-way.
- c. The location and dimensions, including height, of all buildings and structures. This shall include types of uses, density per type of structure and the type of construction as indicated in Table 600 of the Standard Building Code, 1994 ed.
- d. The identification of the maximum buildable area of each lot or parcel within the proposed development, based upon the minimum building setbacks of the particular zoning district in which the development is located.
- e. The location and dimension of parking and loading areas.

Fire Lanes shall be required for all buildings that are set back more than one hundred and fifty (150) feet from any roadway (public or private) or any structure more than thirty feet (30) in height, which is setback fifty feet (50) or more feet from



any roadway. Variations to this requirement may only be approved by the St. Lucie County - Fort Pierce Fire Bureau of Fire Prevention.

All fire lanes shall be a minimum of twenty (20) feet in width and shall be located a minimum of ten (10) feet from any exterior building wall.

All fire lanes shall be appropriately marked and shall be posted as no parking areas.

Dead end fire lanes exceeding three hundred (300) feet or more shall be provided with a cul-de-sac, to the requirements of the St. Lucie County-Ft. Pierce Fire Prevention Bureau.

- f. The location of water disposal and water supply facilities. The site plan shall indicate the size and location of all water distribution lines, (existing and proposed) and shall identify the location of all fire hydrants (existing and proposed) on the proposed development site and within one thousand (1000) feet of the proposed development site.
- g. The locations of existing (site plans and subdivisions) and proposed (subdivision only) easements for utility systems, including sewage facilities and water supply facilities, electric, gas, and telephone lines.
- h. The location of all drainage retention areas and major drainage improvements.
- i. The location and configuration of all public and private roadways for a distance of one hundred fifty (150) feet from all project access points.
- j. The location of the existing and proposed circulation system of arterial and collector streets and any other transportation improvements.
- k. The location and size of all areas to be conveyed, dedicated or reserved as common open space, parks, recreational areas, school sites, rights of way and other public uses.
- l. The pedestrian circulation system, including its interrelationship with the vehicular circulation system.
- m. Proposed landscaping, including the types, location, and quantity of all plants or materials, and the location of fences or screen plantings.
- n. The location, size, and arrangement of all existing or proposed signs or lighting.
- o. Boundaries depicting construction phases, if applicable.
- p. The approximate location and dimension of all proposed lots and all yard requirements, if applicable.
- q. The location and dimension all paved areas within one hundred (100) feet of the

outside property boundaries.

- r. The location, dimension and type of construction of all buildings or structures within one hundred (100) feet of the outside property boundaries.
- s. A transportation impact report in accordance with the requirements of Section 11.02.09(A)(4), if applicable.
- t. An environmental impact report in accordance with the requirements of Section 11.02.09(A)(5), if applicable.
- u. A location map, which shall delineate the project boundaries on the St. Lucie County Tax Assessment Maps.
- v. A driveway location which shall show the location of all driveways, public streets and private drives within six hundred and sixty (660) feet of the development, along any private or public street that will serve the project.
- w. Any other information deemed necessary by the Community Development Director for the reasonable review of the proposed development.

4. Transportation Impact Report

a. Applicability

- 1. Whenever submission of a site plan is required, a transportation impact study shall be provided for any proposed residential development exceeding forty-nine (49) dwelling units, or any proposed development on North or South Hutchinson Island, or any other development equal to or in excess of the thresholds identified below.

TRANSPORTATION IMPACT REPORT	
TYPE OF USE	THRESHOLD
<b>INDUSTRIAL</b>	
Manufacturing	87,000 sf ft
Warehousing	69,000 sq ft
Mini-Warehousing	119,000 sq ft
<b>RESTAURANTS</b>	
All types	6,000 sq ft
<b>HOTEL/MOTEL</b>	
Hotel/Motel Resort w/ancillary facilities	33 rooms

<b>TRANSPORTATION IMPACT REPORT</b>	
<b>TYPE OF USE</b>	<b>THRESHOLD</b>
Hotel/Motel Resort w/o ancillary facilities	59 rooms
<b>RETAIL</b>	6,000 sq ft
<b>SCHOOLS</b>	
Elementary/Middle	328 students
High School	241 students
Community College	215 students
University	139 students
<b>RECREATION FACILITIES</b>	
Marina	100 slips
Golf Course	49 acres
Tennis/Racquet Sports	29,000 sq ft
<b>PORT TERMINALS</b>	
Waterport	28 acres
Airport (Commercial)	28 flights/day
Airport (General Aviation)	109 flights/day
<b>OFFICE &amp; FINANCIAL</b>	
General Office	19,000 sq ft
Financial Institutions	1,600 sq ft
<b>MEDICAL</b>	
Medical Office	6,000 sq ft
Hospital/Clinics	17,000 sq ft
Nursing Home	129 beds

2. For any use not specifically mentioned above, the threshold shall be the same as that for the use that is most similar to the unmentioned use. Such determination shall be made by the Community Development Director.

3. The Board of County Commissioners shall authorize total or partial relief from the requirement of a transportation impact study if it finds, after receiving the recommendation of the Development Review Committee and based on conditions peculiar to the proposed development, that the information foregone by such relief is not needed to determine the roadway, traffic control, and access improvements that should be undertaken to accommodate the additional traffic generated by the proposed development.

b. Study Area

The base transportation impact study area shall include all major roadways (collectors, minor arterials, and major arterials) within two (2) miles of the site. The study area shall be expanded to include at least the intersection(s) of the major access roadway(s) with the first major or minor arterial roadway in each travel direction from the development if traffic generated by the proposed development would potentially affect levels of service at the intersection. On North and South Hutchinson Island, the study area shall be expanded to include island to mainland bridges in each travel direction from the development. The study area shall be verified with the Development Review Committee before the preparation of the transportation impact report. The Development Review Committee shall require extension of the study area to incorporate collector and arterial roadways and intersections outside the two (2) mile base area if traffic generated by the proposed development potentially would affect levels of service of such roadways and intersections and existing or projected levels of service if such roadways are Level of Service C or below.

c. Contents

The transportation impact report shall contain the following for the specified impact study area:

1. A detailed description of the collector and arterial road network, including existing and programmed roadway lanes and lane width right-of-way widths; existing and programmed traffic signal locations and signal phasing; existing and planned ingress and egress locations for development mutually served by major roadway facilities with the proposed development (including all access locations adjacent to and within six hundred (600) feet of the proposed development property lines); and existing and programmed public transportation services and facilities.
2. A description of development, including phasing and anticipated completion dates.
3. A detailed description of the existing traffic conditions, including the peak season average daily traffic and the highest average peak season peak hour volume for all collector and arterial roads within the study area. The peak season daily traffic shall be based on forty-eight (48) hour traffic counts conducted between Tuesday and Thursday, except holidays, during

January, February, or March. If data collection cannot be accomplished during this period, the counts will be adjusted based upon the most recent St. Lucie Metropolitan Planning Organization count data for roadways within or adjacent to the study area. If St. Lucie Metropolitan Planning Organization traffic counts are not available to reflect the seasonal variations, then an average area-wide seasonal adjustment factor will be applied. This factor shall be approved by the Development Review Committee. The methodology and assumptions for the seasonal adjustment must be clearly stated. The highest volume hour or peak hour will be defined from the hourly traffic count(s) conducted over one (1) or more forty-eight (48) hour period(s) as described above. Peak period intersection turning movement counts will be conducted for at least one (1) hour at all intersections of collector and arterial roadways within the study area. Peak hour counts will be adjusted to reflect peak season conditions if the counts are not obtained between January and March. Methodology for these adjustments will be approved by the Development Review Committee.

4. Capacity analyses will be conducted at the intersections of all major roadways in the impact area that are signalized or that warrant signalization. These analyses will be performed in accordance with the 1985 Highway Capacity Manual as amended or superseded.
5. Based on the capacity analyses described in sub-subparagraph (4) above, a summary of existing levels of service on the impact area network will be provided.
6. A detailed analysis of traffic impact of the proposed development, including the following components:
  - a. Trip Generation - indicate daily and peak hour trip generation data. Peak hour trip generation data should reflect the impact anticipated due the existing street peak hour. The analysis will show in tabular form the land use components, the trip generation rates, and the total trips generated by land use type.
  - b. Indicate the internal/external split and pass-by trips for daily and peak hour travel. The analysis should indicate the basis for capturing internal and external trips.
  - c. Trip distribution - indicate the basis for determining trip distribution for the proposed development and the resultant trip distribution by cardinal direction (north, south, east, and west).
  - d. Identify the trip assignment (daily and peak hour) within the study area. Daily volumes should be noted along roadway links. Peak hour volumes should be reflected in turning movements at development entrances and major roadway intersections.

Daily and peak hour trip generation, as well as inbound/outbound direction split shall be based on the report entitled "Trip Generation (5th edition)" by the Institute of Transportation Engineers published in 1991, or its successors, except when special trip generation research conducted by a registered engineer practicing in the area of transportation engineering demonstrates alternative data to be more appropriate. Trip generation assumptions will be approved by the Development Review Committee prior to conducting the traffic impact analysis.

7. A detailed cumulative transportation impact analysis. This analysis will include existing traffic, traffic growth due to other approved development, and the impact of the proposed development. This analysis must identify projected average peak season daily traffic and peak hour volumes for all collector and arterial roadways and intersections and must identify the development impact separately from the cumulative traffic volume. For the purposes of these analyses, background traffic will be identified as existing plus other approved development traffic. Other development traffic will be identified by using actual traffic analyses for approved projects and historical growth trends on the subject roadways as appropriate. The methodology to be employed in assessing background traffic will be approved by the Development Review Committee prior to conducting the traffic analysis.

Capacity analyses will be conducted using the criteria as described in subparagraph (4) above for cumulative traffic to identify levels of service resulting from the cumulative traffic demands, including the proposed development. When the combination of background traffic and the impact from the subject development will reduce the Level of Service below acceptable LOS standards as adopted by St. Lucie County, analyses will be conducted to identify those improvements required to maintain acceptable Level of Service standards. These improvements will be identified clearly.

d. Traffic Study and Traffic Data Inventory and File

The Community Development Director shall keep a file of all traffic studies, including the capacity allocated for each approved project. In determining the projected demand in Section 11.02.09(A)(4)(c)(7) above, the impact analysis shall include trips already allocated in previous development approvals. The Director shall provide information when appropriate data already exists and is available in order to prevent duplication.

5. Environmental Impact Report

a. Applicability

1. Whenever a submission of a site plan is required, an environmental impact report shall be provided if the proposed development meets any of the

following:

- a. The property is ten (10) acres or over;
  - b. the property, regardless of size, contains any wetland or;
  - c. the property is identified on the "Inventory of Native Ecosystems for St. Lucie County," or;
  - d. the proposed development is located in whole or part within the One Hundred (100) Year Flood Plain, or;
  - e. the property is located anywhere on North or South Hutchinson Island.
2. The Board of County Commissioners shall authorize total or partial relief from the requirement of an environmental impact report if it finds, after receiving the recommendation of the Development Review Committee and based on conditions peculiar to the proposed development, that the information foregone by such relief is not needed to determine the environmental impact of the proposed development.

b. Contents

The environmental impact report shall contain the following information:

1. A vegetation and substrate survey including:
  - a. Extent and acreage of any areas in which vegetation typical of the primary dune extends landward of the Coastal Construction Control Line.
  - b. Extent and acreage of all marsh and mangrove forest areas, including substrate conditions.
  - c. Extent and acreage of all upland hammock forests.
  - d. Extent and acreage of wetlands.
2. The required first floor elevation, and whether all floor elevations will be above this level.
3. The identification of any area that has experienced overwash of the primary dune.
4. The identification of any area subject to breach during storm conditions.
5. An assessment of the impacts upon onsite vegetation and wildlife, and onsite and off-site natural resources; a description of the planned approach that will be used to minimize these impacts; a description of the proposed alterations or disturbances

to any of the areas identified in response to Sections 11.02.09(A)(5)(b)(1)(c) and (d) above; and the mitigation that will be provided.

6. In addition to the requirements of Section 11.02.09(5)(b) above, the following information shall be required for development within the unincorporated areas of Hutchinson Island in St. Lucie County.
  - a. A vegetation and landscape plan and written assessment which demonstrates consistency with the appropriate policies set out in this Code for all areas of the subject parcel of land, including a description of the techniques to protect the existing onsite native vegetation. Recommendations should be obtained from the St. Lucie County Soil and Water Conservation District or the St. Lucie County Urban Forester.
  - b. A soil and water conservation plan and written assessment which outlines a system of best management practices to control soil erosion, reduce sediment loss, and protect the water quality on the subject parcel of land during all phases of development. These best management practices shall consider the impacts of onsite development activity on adjacent parcels of land, so as to avoid soil erosion, sediment loss, and degraded water quality on the adjacent parcels of land. Recommendations should be obtained from the St. Lucie County Soil and Water Conservation District.
  - c. A plant and animal survey for onsite federal and state protected species as defined in Chapter II. A compiled list of these plants and animals shall be maintained by the Community Development Director. Locations of all identified species shall be depicted on a map.
  - d. A surface water management plan and written assessment which demonstrates consistency with the appropriate policies set out in this Code, including a description of the techniques to be used to prevent both the potential degradation of surface water resources and an increase in flood hazard damage.
  - e. A shoreline stabilization plan and assessment which demonstrates consistency with the appropriate policies set out in this Code, including beach or dune restoration and maintenance or Indian River Lagoon shoreline stabilization to reduce or control erosion.



**SUBMITTALS FOR PLANNED DEVELOPMENT SITE PLANS****A. PRELIMINARY SITE PLAN REQUIREMENTS**

A Preliminary Site Plan shall include the following information:

**1. General Information**

- a. The applicant's name and address.
- b. The applicant's interest in the subject property.
- c. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application.
- d. The street address and a legal description of the property proposed to be reclassified as a Planned Development.
- e. The present zoning classification and existing uses of the subject property proposed to be reclassified.
- f. A statement of planning objectives to be achieved by the proposed Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- g. A statement of the total number and type of dwelling units to be constructed; parcel size; approximate lot coverage of buildings and structures; approximate gross and net area of all non-residential facilities, and an explanation of their use; residential densities; and approximate gross and net amounts of open space.
- h. Information on land areas adjacent to the proposed Planned Development and an indication of the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, automobile and pedestrian circulation systems, public facilities, and unique natural features of the land.
- i. A statement describing how the Planned Development is consistent with the St. Lucie County Comprehensive Plan.
- j. A development schedule indicating the approximate date construction of the Planned Development or stages of the Planned Development can be expected to begin and be completed.
- k. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development, such as land areas, dwelling units, and commercial facilities.

2. Existing Conditions

- a. An aerial photograph of the property on which the development activity is to take place. The aerial used to satisfy this requirement may be obtained from the St. Lucie County Property Appraiser.
- b. Detailed location sketch with section, township and range.
- c. A topographic survey of the entire project site, prepared in accordance with the current standards of Chapter 61G17-6 FAC, which shall include, at a minimum: the project boundaries, a north arrow, a scale indicator, bench mark information (NGVD) and;
  1. One (1) foot contours shall be shown and shall extend at least 50 feet around the project site, except that the Community Development Director may authorize partial relief from this standard when the following conditions exist:
    - a. Existing grade conditions, throughout the site are such that one foot contours would not be discernable. In these instances, contours at two (2) foot intervals may be provided; and/or,
    - b. Existing grade conditions, over the entire site, vary less than two feet above base elevation.
  2. A sufficient number of spot elevations shall be shown to support the contour information and to accurately reflect the site topography.

All topographic surveys shall be submitted on a sheet size twenty-four (24) inch by thirty-six (36) inch and shall be the same scale as the project site plan.

All topographic surveys shall have been prepared within the 24 months prior to the application for site plan being filed and shall reflect current property conditions.

- d. A boundary survey and legal description prepared in accordance with the current standards of Chapter 61G17-6 FAC. All boundary surveys shall be submitted on a sheet size twenty-four (24) inch by thirty-six (36) inch and shall be the same scale as the project site plan. All boundary surveys shall have been prepared within the 12 months prior to the application for site plan being filed and shall contain at a minimum the following information, as applicable:
  1. location of the Coastal Construction Control Line, along with all necessary recording data,
  2. The location of the mean highwater, or safe upland line, along with a description of how these lines were determined,
  3. The location of all submerged lands,
  4. The limits and elevations of any jurisdictional wetlands, which shall contain bearing and distance information used in determining the extent of these

areas, along with the identification of the agency or agencies claiming jurisdiction.

5. The location of all existing improvements.
  6. Acreage certifications of all lands lying above mean high water or the safe upland line; and,
  7. All boundary surveys are to be tied to a monumented section line or the nearest 1/4 section line, and shall be so noted on the boundary survey.
- e. Identification of legal positive outfall, if applicable.
  - f. The boundaries of the one hundred (100)-year floodplain, including all sub-zones within the one hundred (100)-year floodplain and an identification of the minimum required first floor elevations for all parts of the proposed development site. This information should be depicted on the projects boundary surveys
  - g. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
  - h. Available preliminary drainage information that is to be submitted to the South Florida Water Management District intended to serve as the basis for issuance of its permit under Chapter 40E-40 and 40E-41 F.A.C., if applicable.
  - i. An illustrative plan of the existing vegetative conditions on the project site, including an identification of what areas will be impacted by the proposed development activity and what areas are proposed for protection/preservation. All vegetative survey information shall be submitted on a sheet size twenty-four (24) inch by thirty-six (36) inch and shall be the same scale as the project site plan.

### 3. Proposed Development Activity and Design

All site detail sheets shall be submitted on a sheet size twenty-four (24) inch by thirty-six (36) inch and at a scale no smaller than one (1) inch equals fifty (50) feet, all dimensions in decimals, unless otherwise approved in writing by the Community Development Director during the pre-application conference. For large projects, a smaller scale generalized plot plan may be submitted as a cover sheet to the detail sheets. Detail sheets shall include the following information:

- a. The location of the property by lot number, block number, and street address, if any.
- b. The boundary lines of the property, the dimensions of the property, existing subdivision easements, roadways, rail lines, and public rights-of-way.
- c. The approximate location of all buildings, structures or concentration of uses. This shall include types of uses, and density per type of structure.

- d. The approximate location and dimension of parking and loading areas.
- e. The location of all primary on-site wastewater disposal and water supply facilities.
- f. The locations of existing easements for utility systems, including sewage facilities and water supply facilities, electric, gas, and telephone lines.
- g. The approximate location of all drainage retention areas and major drainage improvements.
- h. The location and configuration of all public and private roadways for a distance of one hundred fifty (150) feet from all project access points.
- i. The approximate location of the existing and proposed circulation system of arterial and collector streets and any other transportation improvements.
- j. The approximate location and size of all areas to be conveyed, dedicated or reserved as common open space, parks, recreational areas, school sites, rights of way and other public uses.
- k. The pedestrian circulation system, including its interrelationship with the vehicular circulation system.
- l. Proposed landscaping, including the types, location, of all plants or materials, and the location of fences or screen plantings.
- m. The approximate location, size, and arrangement of all existing or proposed signs or lighting.
- n. Boundaries depicting construction phases, if applicable.
- o. The approximate location and dimension of all proposed lots and all yard requirements, if applicable.
- p. The location and dimension all paved areas within fifty (50) feet of the outside property boundaries.
- q. A transportation impact report in accordance with the requirements of Section 11.02.09(A)(4), if applicable.
- r. An environmental impact report in accordance with the requirements of Section 11.02.09(A)(5), if applicable.
- s. A location map, which shall delineate the project boundaries on the St. Lucie County Tax Assessment Maps.
- t. A driveway location map which shall show the location of all driveways, public streets and private drives within six hundred and sixty (660) feet of the development, along any private or public street that will serve the project.

- u. Any other information deemed necessary by the Community Development Director for the reasonable review of the proposed development.

## B. FINAL SITE PLAN FOR PLANNED DEVELOPMENTS

A Final Site Plan for a Planned Development shall include:

1. The date on which the Preliminary Site Plan was approved.
2. A statement describing any changes which have been made in any documents, plans, data, or information previously submitted.
3. A tabular display of the following information with respect to the area included in the Final Site Plan, if relevant:
  - a. Total number of dwelling units proposed by type of structure and number of bedrooms.
  - b. Total number of non-residential structures and gross floor area.
  - c. Total land area to be devoted to residential uses, commercial uses, public and private open space, and off-street parking and loading, expressed in acres and as a percent of the total development area.
  - d. Proposed number of off-street parking and loading spaces for each proposed type of land use.
4. Final Development Activity and Design

Detail sheets which shall be submitted on a sheet size twenty-four (24) by thirty-six (36) inches and at a scale no smaller than one (1) inch equals fifty (50) feet, all dimensions in decimals. For large projects, a smaller scale generalized plot plan may be submitted as a cover sheet to the detail sheets. Detail sheets shall include the following information:

- a. The location of the property by lot number, block number, and street address, if any.
- b. The boundary lines of the property, the dimensions of the property, existing subdivision easements, roadways, rail lines, and public rights-of-way.
- c. The location and dimensions, including height, of all buildings and structures, except single family detached. This shall include types of uses, and density per type of structure and the type of construction as indicated in Table 600 of the Standard Building Code, 1994 ed.
- d. The identification of the maximum buildable area of each lot or parcel within the proposed development, based upon the minimum building setbacks as identified in the Preliminary Planned Unit Development submittals.
- e. The location and dimension of all parking and loading areas.

Fire Lanes shall be required for all buildings that are set back more than one

hundred and fifty (150) feet from any roadway (public or private) or any structure more than thirty (30) feet in height, which is setback fifty (50) feet or more feet from any roadway. Variations to this requirement may only be approved by the St. Lucie County - Fort Pierce Fire Bureau of Fire Prevention.

All fire lanes shall be a minimum of twenty (20) feet in width and shall be located a minimum of ten (10) feet from any exterior building wall.

All fire lanes shall be appropriately marked and shall be posted as no parking areas.

Dead end fire lanes exceeding three hundred (300) feet or more shall be provided with a cul-de-sac, to the requirements of the St. Lucie County-Ft. Pierce Fire Prevention Bureau.

- f. The location of water disposal and water supply facilities. The site plan shall indicate the size and location of all water distribution lines, (existing and proposed) and shall identify the location of all fire hydrants (existing and proposed) on the proposed development site and within one thousand (1000) feet of the proposed development site.
- g. The locations of existing (site plans and subdivisions) and proposed (subdivision only) easements for utility systems, including sewage facilities and water supply facilities, electric, gas, and telephone lines.
- h. The location of all drainage retention areas and major drainage improvements.
- i. The location and configuration of all public and private roadways for a distance of one hundred fifty (150) feet from all project access points.
- j. The location of the existing and proposed circulation system of arterial and collector streets and any other transportation improvements associated with the Planned Development Site Plan.
- k. The location and size of all areas to be conveyed, dedicated or reserved as common open space, parks, recreational areas, school sites, rights of way and other public uses.
- l. The pedestrian circulation system, including its interrelationship with the vehicular circulation system.
- m. The location, size, and arrangement of all existing or proposed signs or lighting.
- n. Boundaries depicting construction phases, if applicable.
- o. The location and dimension all paved areas within one hundred (100) feet of the outside property boundaries.
- p. The location, dimension and type of construction of all buildings or structures within

one hundred (100) feet of the outside property boundaries.

5. A detailed landscaping plan showing the location, size and type of vegetation for all common use areas, entry and perimeter treatment areas. Representative landscape plans shall be required for all structural uses within the Planned Development. All final landscape plans are to be prepared, signed and sealed by a registered Florida Landscape Architect.
6. Conceptual design drawings of all multi-family and nonresidential buildings to be erected within the development (except for minor accessory and service facilities). For those development projects erecting detached single family dwellings, submission of conceptual floor plans will not be required, but in their place shall be the required submission of the overall project design standards that will be used to guide the appearance of the planned development.
7. Conceptual utility and drainage plans, signed and sealed by a registered engineer.
8. Preliminary record plat submissions in accordance with the provisions of Section 11.03.02, of this code, including copies of all internal homeowners or property owners association documentation describing the responsibilities/liabilities of the property purchasers.
9. The final development construction schedule.
10. Any other information required under the Preliminary Planned Development Site Plan approval.



## **11.03.00      PROCEDURE FOR PLATTING**

### **11.03.01      PLATTING REQUIREMENTS**

#### **A.      GENERALLY**

Where a proposed Minor Site Plan, Major Site Plan, or Planned Development includes the subdivision of land, a condition of the Final Development Order shall be approval by the Board of County Commissioners of a plat conforming to the site plan and the provisions of this Section. The plat requirements of this Section require review and approval of construction plans, a preliminary record plat and a final record plat.

#### **B.      EXCEPTIONS TO PLATTING REQUIREMENTS**

The only exceptions to this platting requirement are:

1.      If the application for a building permit is for the development of a single-family dwelling unit or duplex on a Lot of Record as of August 1, 1990; or,
2.      If the application for building permit is for the development on a multi-family or non-residential parcel which is less than five (5) acres in size on a Lot of Record as of August 1, 1990; or,
3.      Division of land into parcels of not less than 20 acres each where no new streets or easements of access are planned to be dedicated and accepted by the public. Deeds and other conveyances shall include in red, ten point type, the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING ST. LUCIE COUNTY IS RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS OR DRAINAGE SERVICE TO THE PROPERTY HEREIN CONVEYED."
4.      The conveyance of land to a federal, state, county, or municipal governmental agency, entity, political subdivision, or a public utility as defined herein.

#### **C.      DRY MODEL CONSTRUCTION**

The Board of County Commissioners shall by agreement allow a building permit(s) for a maximum of four (4) residential units to be issued after approval of a Preliminary Record plat and construction plans but before approval of a Final Record Plat, provided no certificate of occupancy is issued prior to recordation of the Final Plat.

#### **D.      REQUIREMENTS FOR GEODETIC CONTROL**

A minimum of two boundary monuments for all plats shall be tied by a closed field traverse to the nearest approved St. Lucie County Geodetic Control Station and Azimuth Mark, or to other control points established by a Global Positioning System (GPS), or any St. Lucie County Traverse Stations, or any horizontal Control Stations which are listed with the National Geodetic Survey. Field traverse from the Plat Boundary to the control stations shall meet the minimum closure standards specified within Chapter 61G17-6, Florida Administrative Code. Copies of all field notes of the

geodetic tie in and traverse closure shall be submitted with all preliminary plat submittals.

**E. REQUIREMENTS FOR DIGITAL PLAT SUBMISSIONS**

Prior to the recording of any final plat consisting of 10 or more lots, a CAD file in a DWG or DXF format shall be provided to St. Lucie County showing all final plat survey data. The purpose of this CAD file is to facilitate direct updates to the County's Geographic Information System (GIS). The coordinate positions within this file should be rotated and translated to North American Datum of 1983/adjustment of 1990 (NAD 83/90), State Plane Coordinates, Florida East Zone. Conversion of ground distance to grid distance will not be required.

Proposed plats of less than 10 lots shall not be required to submit a digital copy of the final record plat, except that where available, the submission of this material is encouraged.

**A. FILING WITH COUNTY ENGINEER**

After receiving plat-contingent site plan approval, the developer shall submit to the County Engineer all construction plans and preliminary record plats prepared in accordance with the requirements of Chapter 177, Florida Statutes and all other information necessary to determine compliance with the approved site plan, the provisions of this Code and other applicable provisions of the St. Lucie County Code and Compiled Laws. Included with this submission material shall be all construction plans for any proposed utility improvements which shall be distributed by the County Engineer to the service provider for review.

**B. APPLICATION CONTENTS**

The County Engineer shall be responsible for the preparation of an application form for all construction drawings and record plat materials.

All plans and materials submitted to the County Engineer in accordance with the requirements of this Section shall include but not be limited to the following:

1. All plans shall be submitted on 24" x 36" sheet sizes.
2. Construction plans shall be submitted in a format approved by the County Engineer.
3. A preliminary plan of the final plat shall be submitted in the same format as required for final plats by Chapter 177, Florida Statutes.
4. A survey of the subject property prepared by a registered surveyor containing the information as described in Section 11.02.09.A.2 of this Code.
5. Site Data and Construction Details:
  - a. Street rights-of-way, pavement widths, grades and elevations, street names, plans, profiles and cross-sections.
  - b. Other rights-of-way or easements including locations, dimensions and purposes.
  - c. Plans for all underground utilities including but not limited to sanitary sewers; storm sewers; water lines; and electric lines, if located underground; showing connections to existing systems, or proposals for developing new water supply; storm drainage; and sewage disposal systems; storm and sanitary profiles and, including all cross-sections; and inverts and top elevations of all structures.
  - d. Contour changes, dikes or any created water bodies or changed water courses.
  - e. Bulkheads and bridges; engineering plans, and cross-sections.
  - f. Street center line dimensions, scalar block and lot layouts, lot and block numbers.

- g. Areas to be used for purposes other than residential and public; and with the purposes, location and dimensions of each indicated.
  - h. Any other information deemed necessary by the County Engineer or the service provider for the reasonable review of the proposed development.
6. All property owner/homeowner association documentation outlining and describing the responsibilities/liabilities of property purchasers within the proposed subdivision.

#### C. PROCEDURES FOR REVIEW BY THE COUNTY ENGINEER

- 1. Within twenty (20) working days of receipt of the all construction plans and preliminary record plats, the County Engineer shall:
  - a. Determine that the application is complete and so notify the applicant.
  - b. Determine that the application is incomplete and inform the applicant in writing of the missing components.

The applicant shall notify the County Engineer, within thirty (30) working days of this notice of deficiency, of his intent to address the cited deficiencies. The developer shall have a maximum of one hundred twenty (120) days to respond to the cited deficiencies without payment of any additional processing fee. Upon the applicant's response to the cited deficiencies the revised application shall be reviewed by the County Engineer pursuant to this Section. If the applicant fails to respond to the cited deficiencies within one hundred twenty (120) days the developer must thereafter reinitiate the review process and pay an additional fee, as identified in Section 11.12.00 of this Code.

An application shall be determined to be complete only if the required submittals of Section 11.03.02(B) are provided.

- 2. The County Engineer shall coordinate any utility construction plan reviews with the service provider and shall not authorize any construction approvals for any portion of the project site until all utility and construction plans have been approved.
- 3. The County Engineer shall, within five (5) working days following determination of compliance, issue a written determination approving the construction plans and Preliminary Record Plat and authorizing the developer to commence construction in accordance with approved construction plans.
- 4. The County Engineer shall notify the Board of County Commissioners of the approval of the construction plans and the issuance of construction authorizations.

### **11.03.03 REVIEW OF FINAL RECORD PLAT**

#### **A. GENERALLY**

Except as provided in subsection B below, no final record plat shall be permitted to be recorded in the public records of St. Lucie County until all construction has been completed, inspected and approved in accordance with the provisions of Section 11.03.02 and Section 11.04.00, Guarantees and Sureties.

#### **B. DEVELOPERS OPTION TO RECORD A FINAL RECORD PLAT PRIOR TO THE COMPLETION OF CONSTRUCTION.**

The developer may elect to have the final record plat recorded prior to the completion of construction, provided the following criteria are met.

1. Construction authorizations have been obtained from the County Engineer in accordance with Section 11.03.02.
2. The County Engineer has approved a certified construction cost estimate, from the project engineer, for the value of all approved/required improvements in the area for which record plat approval is sought.
3. Sufficient security has been provided in accordance with the provisions of Section 11.04.00 of this Code.
4. All applicable provisions of this Code have been met.

#### **C. PROCEDURE FOR REVIEW OF AS-BUILT CONSTRUCTION PLANS**

##### **1. Submission of As-Built Construction Plans**

Upon the completion of all approved/required improvements in conjunction with the construction plans and preliminary record plat, the developer shall submit the following information to the County Engineer:

- a. A signed and sealed professional engineer's certification that the constructed improvements were built in accordance with the approved construction plans.
- b. A maintenance agreement consistent with provisions of Section 11.04.00 of this Code.
- c. Two (2) sets of as-built construction plans signed and sealed by the professional engineer of record and the surveyor of record which encompass all required improvements. One (1) set of these required drawings shall be mylar reproducible. These drawings shall include, the following information:
  1. Finished topography:
    - a. Perimeter site elevations at one hundred (100) foot intervals,

linearly and one foot intervals perpendicular to the perimeter line for a distance of ten (10) feet.

- b. Vehicle use area elevations (all high and low points).
  - c. Retention/detention areas (both bottom and top of bank elevations).
- 2. Finished floor elevations (two corners).
  - 3. Control structures:
    - a. Wier crest elevations and length.
    - b. Bleeder invert elevations.
    - c. Overflow elevations.
  - 4. Conveyance structures:
    - a. High points and low points of construction swales (to verify flow).
    - b. Invert elevation of all structures.
    - c. Grate elevations of all inlets.
  - 5. Water and Wastewater:
    - a. Location and size of all water plants, mains, meters, services values and blowoffs.
    - b. Location, size and type of all sanitary manholes, sewer main diameter, inverts and length, force mains, lift stations and clean outs as well as the location of any treatment plant.
    - c. Location of all septic tanks and drainfields.
  - 6. Roadway construction:
    - a. Centerline pavement elevation at six hundred (600) foot intervals or every change in grade, whichever is less.
    - b. Invert elevations of all cross drains and culverts.
    - c. Flow line elevations at six hundred (600) foot intervals or at every change in elevation, whichever is less.
- d. Adequate test reports signed and sealed by a professional engineer to assure that all improvements are in accordance with the approved construction plans for this

project.

2. The County Engineer shall within fifteen (15) working days of receiving the as-built construction plans, determine whether the construction plans are consistent with the approved construction plans and preliminary record plat and so notify the developer. If the County Engineer determines that the as-built plans are not consistent with the approved construction plans and preliminary record, the County Engineer shall notify the developer of the areas of deficiency and what corrective actions must be taken. No final record plat approvals, as described in paragraph D below, will be granted until the cited deficiencies are corrected to the satisfaction of the County Engineer, consistent with the approved construction plans.

#### D. PROCEDURE FOR REVIEW OF FINAL RECORD PLAT

1. After the completion of all required construction and approval of the as-built construction drawings, the developer shall submit to the County Engineer a final record plat that conforms to the construction plan and the requirements of Chapter 177, Florida Statutes and includes the certifications of Section 11.03.03(E) along with the appropriate covenants, restrictions and reservations consistent with Section 11.03.03(F).
2. The County Engineer shall, within fifteen (15) working days of receiving the record plat, determine whether the record plat complies with the approved site plan, approved construction plans, and the requirements of Chapter 177, Florida Statutes. If the County Engineer determines that the final record plat so complies, the final record plat shall be placed on the next available agenda of the Board of County Commissioners. If it does not comply, the County Engineer shall notify the developer in writing of the deficiencies and inform him that a corrected record plat may be resubmitted for approval.
3. Review of the final record plat by the Board of County Commissioners shall be strictly limited to whether the plat complies with the requirements of Chapter 177, Florida Statutes and this Code. A final record plat that complies with the requirements of Chapter 177 Florida Statute and this Code shall be approved and the Community Development Director shall forthwith issue the development order allowing development to proceed. The Board of County Commissioners shall return record plats that do not comply with the requirements of Chapter 177, Florida Statute and this Code to the developer with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

When the developer submits a final record plat to the County Engineer for approval, he shall furnish in addition to the one (1) original, two (2) mylar reproducible copies, along with a check payable to the Clerk of the Circuit Court to cover the cost of recording said plat(s).

4. Upon approval of the final record plat, the Chairman or Vice-Chairman of the Board of County Commissioners shall sign the original and two (2) mylar copies. The County Engineer shall then be directed to have the approved final record plats recorded in the public records of St. Lucie County. When the final record plat has been recorded, the original record plat shall be retained by the Clerk of the Court, along with one of the mylar copies. The remaining mylar copy shall be retained on file in the Office of the County Engineer.

5. The County Engineer shall, at cost, provide the developer with two sets, paper copy, of the final record plat. At the developer's option and cost, a fourth mylar set may be recorded by the County Engineer for transmittal back to the developer in lieu of the two paper set reproductions.

**E. REQUIRED CERTIFICATIONS ON THE RECORD PLAT**

The following certifications shall be required on the title sheet of all Final Record Plats. Appropriate modifications may be made subject to the review and approval of the St. Lucie County Attorney

1. The Certificate of dedication by individual owners shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

\_\_\_\_\_ and \_\_\_\_\_, his wife, the owners of the above described land, do hereby dedicate and set apart all of the streets, alleys, thoroughfares, parks and utility and drainage easements shown on this plat of \_\_\_\_\_ subdivision to the use of the general public forever.

WITNESS our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (SEAL)  
\_\_\_\_\_ (SEAL)

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

Before me, the undersigned authority, personally appeared \_\_\_\_\_ and \_\_\_\_\_, his wife, to me known to be the individuals described in and who executed the foregoing Certificate of Dedication, and they each duly acknowledged before me that they executed the same.

WITNESS my hand and official seal at Fort Pierce, St. Lucie County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
My Commission Expires: \_\_\_\_\_



2. The certificate of dedication by corporate owner shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

\_\_\_\_\_, a Florida corporation, the owner of the above described land, by its duly elected President and Secretary, does hereby dedicate and set apart all of the streets, alleys, thoroughfares, parks and utility and drainage easements shown on this plat of \_\_\_\_\_ subdivision to the use of the general public forever.

IN WITNESS WHEREOF, the undersigned corporation has caused this certification to be executed in its name, and its corporate seal to be hereunto affixed by its President and Secretary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Corporate Name)

(Corporate Seal) BY \_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Secretary

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

Before me, the undersigned authority, personally appeared \_\_\_\_\_, President and \_\_\_\_\_, Secretary of \_\_\_\_\_, a Florida corporation, to me known to be the individuals described in and who executed the foregoing Certificate of Dedication, and they each duly acknowledged before me that they executed same, as such officers for and in behalf of said corporation.

WITNESS my hand and official seal at Fort Pierce, St. Lucie County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
My Commission Expires: \_\_\_\_\_

3. The certificate of dedication by individual mortgagees shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

\_\_\_\_\_ and \_\_\_\_\_, his wife, the holders of a mortgage recorded in OR Book \_\_\_\_\_ at Page \_\_\_\_\_ on the above described land, do hereby join and consent to the dedication of all of the streets, alleys, thoroughfares, parks and utility and drainage easements shown on this plat of \_\_\_\_\_ subdivision to the use of the general public forever.

WITNESS our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witnesses:

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

Before me, the undersigned authority, personally appeared \_\_\_\_\_ and \_\_\_\_\_, his wife, to me known to be the individuals described in and who executed the foregoing Certificate of Dedication, and they each duly acknowledged before me that they executed the same.

WITNESS my hand and official seal at Fort Pierce, St. Lucie County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Florida at Large

4. The certificate of dedication by corporate mortgagees shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

\_\_\_\_\_, a Florida corporation, the holder of a mortgage recorded in OR Book \_\_\_\_\_ at Page \_\_\_\_\_ on the above described land, by its duly elected President and Secretary, does hereby joint and consent to the dedication of all of the streets, alleys, thoroughfares, parks and utility and drainage easements shown on this plat of \_\_\_\_\_ subdivision to the use of the general public forever.

IN WITNESS WHEREOF, the undersigned corporation has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its President and Secretary this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Corporate Name)

(Corporate Seal) By \_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Secretary

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

Before me, the undersigned authority, personally appeared \_\_\_\_\_, President and \_\_\_\_\_, Secretary of \_\_\_\_\_, a Florida corporation, to me known to be the individuals described in and who executed the foregoing Certificate of Dedication, and they each duly acknowledged before me that they executed same, as such officers for and in behalf of said corporation.

WITNESS my hand and official seal at Fort Pierce, St. Lucie County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
My Commission Expires:\_\_\_\_\_

5. The certificate of surveyor shall be in the following form when Permanent Control Points are to be installed prior to platting:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

I hereby certify that the plat shown hereon is a true and correct representation of a survey made under my responsible direction and supervision; that said survey is accurate to the best of my knowledge and belief; that P.R.M.'s (Permanent Reference Monuments) and P.C.P.'s (Permanent Control Points) have been placed as required by law; and, further, that this plat complies with all the requirements of Chapter 177 Florida Statutes.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Registered Land Surveyor  
Florida Certificate No. \_\_\_\_\_

The certificate of the surveyor shall be in the following form when Permanent Control Points are to be installed after platting:

I hereby certify that the plat shown hereon is a true and correct representation of a survey made under my responsible direction and supervision; that said survey is accurate to the best of my knowledge and belief; that (P.R.M.'s) Permanent Reference Monuments have been placed as required by law and that (P.C.P.'s) Permanent Control Points will be set under the guarantees posted with the St. Lucie County Board of County Commissioners for the required improvements; and, further, that this plat complies with all the requirements of Chapter 177 Florida Statutes.

\_\_\_\_\_  
Registered Land Surveyor  
Florida Certificate No. \_\_\_\_\_

6. The certificate of approval of the Board of County Commissioners shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

It is hereby certified that this plat has been officially approved for record by the Board of County Commissioners of St. Lucie County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairman, Board of County Commissioners

7. The certificate of approval of the Clerk of the Circuit Court shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

I, \_\_\_\_\_, Clerk of the Circuit Court of St. Lucie County, Florida, do hereby certify that this plat has been examined, and that it complies in form with all the requirements of the laws of Florida pertaining to Maps and Plats, and that this plat has been filed for record in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ of the public records of St. Lucie County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk of Circuit Court  
St. Lucie County, Florida

8. The certificate of approval of the Community Development Director shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

It is hereby certified that this plat meets the minimum lot dimension requirements of the \_\_\_\_\_ zoning district, as set forth in Section 7.04.00, of the St. Lucie County Land Development Code.

\_\_\_\_\_  
Community Development Director  
St. Lucie County, Florida

9. The certificate of approval of the County Attorney shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

This plat is approved as to form.

---

County Attorney  
St. Lucie County, Florida

10. The certificate of approval of the County Engineer shall be in the following form:

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

It is hereby certified that this Plat meets the minimum subdivision platting requirements as set forth in Section \_\_\_\_\_ of the St. Lucie County Land Development Code.

---

County Engineer  
St. Lucie County, Florida

**F. COVENANTS, RESTRICTIONS, RESERVATIONS**

1. All covenants, restrictions or reservations placed by the developer or required by this ordinance shall appear on the final plat or be established by separate recorded document, which documents shall be submitted to the County Attorney for review and approval with the final plat. If done by separate document, the public record location of such documents shall be indicated beneath the subdivision name as follows: "Covenants, restrictions, or reservations affecting the ownership or use of the property shown in this plat are filed in Official Record Book No. \_\_\_\_, page \_\_\_\_."
2. When deemed necessary by the county's utilities director to ensure the proper future expansion of utilities services, a covenant document shall be filed with the plat that includes the following statement: "In the future, when a potable water distribution and/or a wastewater collection system becomes available to service the subdivision, service improvements and connections shall be made by the homeowners' association, or by the property owners, to all lots and shall be paid by the homeowners' association or by the property owners". All deeds conveying properties within the subdivision shall reference the covenant document.

## **11.03.04 PROCEDURE FOR MINOR REPLATS AND LOT SPLITS**

### **A. GENERALLY**

The Public Works Director may approve a Minor Replat or Lot Split, where a parcel of land is being divided into two (2) separate lots or parcels that conforms to the requirements of this Section.

### **B. APPLICATION CONTENTS**

A developer requesting a Minor Replat or Lot Split shall submit the following materials with an application form provided by the Public Works Director along with an application fee as described in Section 11.12.00:

1. A statement indicating whether water and/or sanitary sewer service is available to the property;
2. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division. All such drawings and divisions shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application; and
3. An identification of any and all easements, rights-of-way or similar instruments that may be found on or adjacent to the property subject to the Minor Replat or Lot Split.

### **C. PROCEDURE FOR REVIEW**

1. The Public Works Director shall transmit a copy of the proposed Minor Replat or Lot Split to the appropriate departments of the County for review and comments.
2. The review of all Minor Replats and Lot Splits shall be in accordance with the procedures described in Section 11.02.03.
3. If the proposed Minor Replat or Lot Split meets the conditions of this Section and otherwise complies with all applicable laws and ordinances, the Director shall approve the Minor Replat or Lot Split by signing the application form.

### **D. STANDARDS FOR REVIEW**

All Minor Replats or Lot Splits shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.
2. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum road frontage for the Zoning District where the lots are located.
3. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner shall be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

**E. RECORDATION**

Upon approval of the Minor Replat or Lot Split, the Public Works Director shall record the replat on the appropriate maps and documents, and shall, at the developer's expense, record the replat in the public records of the County.

**F. RESTRICTION**

No further division of an approved Minor Replat or Lot Split is permitted unless a final record plat is prepared and submitted in accordance with Sections 11.03.01 through 11.03.03.

## **11.04.00      GUARANTEES AND SURETIES**

### **11.04.01      GENERALLY**

#### **A.      APPLICABILITY**

1.      The provisions of this Section apply to all proposed developments in unincorporated St. Lucie County.
2.      Nothing in this Section shall be construed as relieving a developer of any requirement relating to adequate public facilities standards in Chapter V of this Code.
3.      This Section does not modify existing agreements between a developer and St. Lucie County for subdivisions platted and Final Development Orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

#### **B.      IMPROVEMENT AGREEMENT REQUIRED**

The approval of any site plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved plan and an Improvement Agreement which shall include the following:

1.      A condition requiring that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2.      A condition requiring that all required improvements shall be satisfactorily constructed within the period stipulated.
3.      The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
  - a.      An estimate prepared and provided by the applicant's engineer.
  - b.      A copy of an executed construction contract.
4.      Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5.      A condition requiring that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the Agreement.
6.      A condition providing for the amount and type of security necessary to ensure performance for the construction of improvements.
7.      A condition requiring that the amount of the security may be reduced once during the life



(term) of the agreement, subsequent to the completion, inspection and acceptance of improvements by the County.

The Improvement Agreement may be recorded in the Public Records of St. Lucie County.

**C. AMOUNT AND TYPE OF SECURITY**

1. The amount of the security listed in the Improvement Agreement shall be reviewed and approved by the Public Works Director, based on certified cost information provided by the applicant.
2. Subject to the approval of the County Attorney the following types of security arrangements may be used to secure the developer's obligations in the Improvement Agreement:
  - a. Cashier's check
  - b. Certified check
  - c. Developer/lender/County agreement
  - d. Interest bearing certificate of deposit
  - e. Clear irrevocable letters of credit
  - f. Surety bond
3. For all required developer-installed improvements that are proposed for dedication to any recognized unit of local government in the State of Florida, the amount of security shall be one hundred and fifteen (115) percent of the total costs for the required improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements, in accordance with the provisions of Section 11.04.01(B)(7). In no case, however, shall the amount of the bond be less than one hundred and fifteen (115) percent of the cost of completing the remaining required improvements.

For all required developer-installed improvements that are not proposed for dedication to any recognized unit of local government in the State of Florida, the amount of security shall be one hundred (100) percent of the total costs for the required improvements. The amount of security may be reduced commensurate with the completion and final certification of the required improvements, in accordance with the provisions of Section 11.04.01(B)(7). In no case, however, shall the amount of the bond be less than one hundred (100) percent of the cost of completing the remaining required improvements.

**D. COMPLETION OF IMPROVEMENTS**

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance/certification is recommended by the County Engineer. A recommendation for final acceptance/certification shall be made upon receipt of a certification of project completion and one (1) copy of all test results and all as-

built drawings as called for in Section 11.03.03(C).

2. As required improvements are completed and accepted/certified, the developer may apply for release of all or a portion of the security consistent with the requirement in Section 11.04.01(C)(3) above.

**E. RELEASE OF SECURITY FOLLOWING COMPLETION OF REQUIRED IMPROVEMENTS**

1. Release of developer's security.

- a. Certification of work by developer's engineer.

Upon completion of construction of all required improvements, the developer's engineer shall certify that the improvements have been constructed in accordance with the regulations set out in this Code. The written certification shall be expressed in the following form:

**CERTIFICATION**

I hereby certify that all of the required project improvements, as identified in the attached Improvement Agreement, have been completed on \_\_\_\_\_ (Project Name) \_\_\_\_\_ and that I have inspected the construction incrementally in accordance with the requirements of "Standard Specifications for Public Works Construction, St. Lucie County, Florida." These improvements conform to the development plans and the Standard Specifications, with the following deviations: (enumerate deviations, if any). However, these deviations will not result in functional or structural problems, other than routine maintenance based on my evaluation and professional opinion.

Certified by: \_\_\_\_\_  
Florida Professional Engineer No.

Date: \_\_\_\_\_

The engineer's signature shall be sealed with his impression seal. A full set of the required test reports and supporting data shall accompany the certification, along with the as-built construction plans that are consistent with the requirements of Section 11.03.03(C).

- b. County Engineer's review of completed improvements.

When an improvement has been certified by the developer's engineer as specified above, the County Engineer shall review the construction, and supporting test/control data furnished by the developer's engineer. If all is acceptably completed, he shall confirm same in writing to the Board of County Commissioners.

c. Board of County Commissioners acceptance of improvements:

1 Improvements in a Public Right-of-Way:

Upon confirmation from the County Engineer that improvements are acceptably completed, the Board of County Commissioners shall act on "conditionally accepting" for maintenance any improvements constructed on public right-of-way and easements. Acceptance shall be conditioned on a one (1) year and thirty day (30) period during which time the developer shall maintain all improvements and correct all deficiencies that occur. If the Board of County Commissioners "conditionally accepts" improvements for maintenance, the developer shall provide security consistent with the provisions of this Section.

2. Improvements in a privately maintained road and drainage right-of-way or access easement:

Upon confirmation from the County Engineer that all improvements are acceptably completed, the Board of County Commissioners shall act on certifying the findings of completion.

Upon certification, the developer may request release of the remaining security for these improvements consistent with the requirement in Section 11.04.01(C)(3) above. The developer is not required to provide for a county maintained security for the purpose of assuring maintenance of the completed private infrastructure improvement.

d. Developer's maintenance period of improvements in a Public Right-of-Way.

The developer shall maintain all improvements identified in the Improvement Agreement, until final approval is received from the Board, such time being for a period of at least one (1) year and thirty (30) days from the time construction is conditionally accepted by the Board. One year from the date of "conditional acceptance" the developer shall contact the County Engineer for a joint inspection of the improvements with his engineer. The developer shall correct all deficiencies in an approved manner, except those damages that are not a result of design or construction deficiencies. If the required corrective action cannot be completed by the year and thirty (30) day expiration date, the County may so notice the developer that the required security will not be released until all necessary corrective actions have been completed and approved by the County. When all corrections have been made, the County Engineer shall so inform the board. The Board of County Commissioners shall then act on release of remaining development security, and acceptance of improvements on public right-of-way and easements for maintenance.

e. Limitations as to county maintenance.

Nothing in the regulations set out in this Code, shall be construed as meaning that the Board of County Commissioners shall take over for county maintenance any

road, street, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with the county's requirements and taken over for county maintenance by specific Board of County Commissioners action. The assumption of maintenance by the county under the regulations set out in this chapter shall not be construed to mean the county shall assume operating or other costs of street lighting. Nothing in the regulations set out in this Code shall be construed as obliging the county to drain any land, except that which lies in the public right-of-way and drainage easements.

#### **F. MAINTENANCE OF IMPROVEMENTS**

1. A Maintenance Agreement and security shall be provided to assure the County that all required improvements shall be maintained by the developer according to the following requirements:

- a. The period of maintenance shall be a minimum of one (1) year and thirty (30) days.
- b. The maintenance period shall begin with the acceptance by St. Lucie County of the construction of the improvements.
- c. The security shall be in the amount of fifteen percent (15) of the construction cost of the improvements.
- d. The original Maintenance Agreement shall be kept in the files of the Office of the County Attorney. Monitoring of compliance with the agreement shall be the responsibility of the County Engineer.

Except as required under paragraph 2 of this section, a Maintenance Agreement and security shall not be required for improvements that are not proposed to be maintained by the County or any other public entity.

2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

- a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
- b. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.
- c. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the County shall be created by covenants running with the land. Such covenants shall be recorded with the final record plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to St. Lucie County.

- d. **No Development Order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the County Attorney.**

## **11.05.00 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS**

### **A. GENERAL**

No erection, alteration, construction, reconstruction or any type of development within the unincorporated areas of St. Lucie County involving a building, structure, paved parking area, driveway connection, or impact upon a protected natural habitat, is authorized without first obtaining all necessary Development Permits in accordance with the provisions of this Section.

### **B. CERTIFICATES OF ZONING COMPLIANCE**

#### **1. General**

A Certificate of Zoning Compliance shall be required prior to the issuance of any occupational license or Development Permit required by this Section.

#### **2. Purpose**

The purpose for issuing a Certificate of Zoning Compliance is to ensure that all proposed development and use activities within the unincorporated area of St. Lucie County comply with the provisions of this Code.

#### **3. Procedure**

- a. Upon application for a Development Permit or use authorization, the Community Development Director shall determine whether such application complies with the provisions of this Code and the St. Lucie County Comprehensive Plan.
- b. If the Public Works Director determines the proposed development activity or use complies with the provisions of this Code and the St. Lucie County Comprehensive Plan, he shall issue a Certificate of Zoning Compliance.
- c. If the Public Works Director determines that the proposed development activity or use does not comply with the provisions of this Code or the Comprehensive Plan, the application shall be returned to the applicant accompanied by a written statement setting forth the provisions of this Code or the Comprehensive Plan with which the application does not comply.

#### **4. Effect of Issuance**

A Certificate of Zoning Compliance constitutes an official statement that the proposed development or use complies with the applicable provisions of this Code or the Comprehensive Plan and any special approvals that apply to the property. A Certificate of Zoning Compliance does not serve as authorization to commence construction. All authorizations to commence construction shall be as described in this Code.

## **11.05.01 BUILDING AND SIGN PERMITS**

### **A. BUILDING PERMIT**

#### **1. Generally**

- a. The erection, alteration, or reconstruction of any building or structure shall not be commenced without obtaining a Building Permit from the Public Works Director. Work activities shall not proceed without obtaining all the inspections required by the Public Works Director and the Standard Building Codes.
- b. No Building Permit shall be issued for development without a Certificate of Zoning Compliance.
- c. No Building Permit shall be issued unless it complies with the provisions of Section 13.01.00 through 13.05.00 of this Code.
- d. No Building Permit shall be issued for development unless the application for building permit is accompanied by a copy of a survey of the property on which the requested activity is to be permitted. All surveys shall completely depict the following:
  1. The location of the proposed development activity;
  2. The relationship of the activity under application to all adjacent property lines, and as may be required for the review of the application, all adjacent structures, improvements or natural features;
  3. A minimum of two (2) elevations along each roadway on which the proposed activity borders, the existing ground elevation at the approximate center of the proposed structure, the existing ground elevation along the side property lines adjacent to the proposed structure, and the proposed finished floor elevation of the structure under application. All elevations are to be based upon NGVD; and, except for detached single family residential lots or parcels of land having an area of one (1) acre or less;
  4. The location of all native trees of 20 inches DBH and greater, with the specific diameter and type of tree clearly identified.

All surveys submitted shall have been prepared, signed and sealed by a Florida Registered Land Surveyor, in accordance with the current provisions of Chapter 61G17-6, FAC, except that applications for interior modifications or construction, roofing permits not involving any structural alteration or additions to the area covered by the roof surface, or any other permit required activity that does not result in the expansion of any portion of the existing structures shall not be required to submit surveys.

Accessory structures with a building value of less than ten thousand dollars (\$10,000) shall not be required to submit a survey but shall instead be required to

submit a scaled plot plan indicating the location of the accessory structure and its compliance with minimum setback standards.

Copies of original surveys meeting the above requirements may be submitted with any application for building permit, provided that the survey still depicts the accurate location of all structures and other improvements on the property.

## **2. Time Limitation of Building Permits**

- a. Building Permits shall expire and become null and void if work authorized by such Building Permit is not commenced, having called for and received a satisfactory inspection, within six (6) months from the date of issuance of the permit, or if the work is not completed within eighteen (18) months from the date of issuance of the Building Permit, except that the time may be extended by the building official if any of the following occur:

1. a time schedule has been submitted and approved by the building official, predicated upon customary time for construction of similar buildings, prior to the issuance of the Building Permit, indicating completion of construction in excess of eighteen (18) months; or,
2. the developer furnishes the building official satisfactory written evidence that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in the specifications; or,
3. the delay is due to delay in delivery of construction supplies or materials, or
4. the delay is due to fire, weather conditions, civil commotion or strike.

Increased costs of building materials or supplies or financial hardship shall not be considered by the building official as cause for continuation of the Building Permit.

- b. Notwithstanding the provisions of Section 11.05.01(A)(2)(a), an owner builder Building Permit shall expire within twenty-four (24) months from the date of issuance of the Building Permit if the work has not been completed. The time may be extended by the building official for a period not to exceed eighteen (18) months if any of the conditions outlined in Section 11.05.01(A)(2)(a)(1)-(4) occur.

- c. If construction, having called for and received a satisfactory inspection, has commenced within six (6) months from the date of issuance of the permit, and is subsequently abandoned or suspended, not having called for and received a satisfactory inspection within the last six (6) months, for reasons other than those enumerated in paragraph (1) hereof, the permit shall expire and become null and void unless the permittee demonstrates good cause at a hearing before the Board of Adjustment as to reasons for the suspension or abandonment of the project. If the Board finds that good cause has been shown for the suspension or abandonment of the project, the permittee shall be allowed to continue said



construction under the original permit. The decision of the Board shall be final.

- d. If the Building Permit becomes null and void or expires, the building official shall inspect the development and determine whether the development is unsafe and constitutes a nuisance pursuant to Section 2-5-41 of the Code of Ordinances of St. Lucie County, Florida. If the building official determines that the development is unsafe and constitutes a nuisance, the building official shall submit a report of his inspection to the Board of County Commissioners for action by the Board pursuant to Section 2-5-43 of the Code of Ordinances of St. Lucie County.
- e. In order to continue construction once a Building Permit becomes null and void or expires, the permittee shall reapply and obtain a new Building Permit covering the proposed construction before proceeding with construction. The permittee shall comply with all regulations in existence at the time application is made for a new Building Permit.

Unless otherwise addressed through the project's Final Development Order, site plan approval shall terminate if the Building Permit has become null and void.

- f. Any Building Permit issued prior to January 16, 1990, shall expire and become null and void eighteen (18) months from the date of issuance thereof unless construction is delayed for reasons enumerated in paragraph (1) hereof, and the contractor so notifies the building official in writing in accordance with paragraph (1) provided, a schedule may be submitted for approval within thirty (30) days from January 16, 1990 for any construction presently underway requiring in excess of eighteen (18) months to complete.

## **B. SIGN PERMIT**

The erection, alteration, reconstruction, or conversion of any sign shall not be commenced without obtaining a Sign Permit from the Public Works Director. In accordance with Section 9.00.00, no Sign Permit shall be issued for development without the issuance of a concurrent Certificate of Zoning Compliance.

## **C. SEWAGE COMPLIANCE**

### **1. Effect**

No Certificate of Zoning Compliance or Building Permit shall be issued by the Public Works Director for a proposed development until either the St. Lucie County Health Department or the Florida Department of Environmental Protection has approved a method of sewage disposal for that development.

### **2. Procedure**

All Building Permit applications shall be accompanied by a scale drawing of the building and a plot plan showing the proposed sewage disposal system. Copies of these plans shall be submitted to the St. Lucie County Health Department or the Florida Department of Environmental Protection for the issuance of the appropriate sewage permit.

## **11.05.02 CLASS A MOBILE HOME PERMITS**

### **A. APPLICATION FOR PERMIT**

Any person desiring to have a Class A Mobile Home defined as a detached single-family dwelling unit by the Board of County Commissioners shall submit an application to the Public Works Director, in a form established by the Director, accompanied by a non-refundable application fee, pursuant to Section 11.12.00.

### **B. APPLICATION CONTENTS**

The application shall include the following information:

1. The applicant's name and address.
2. Legal description, street address, lot number and subdivision name, if any, of the property upon which the Class A Mobile Home is to be located.
3. Statement of ownership.
4. Size of subject property in square feet and acres.
5. Statement describing the type and dimensions of the Class A Mobile Home proposed to be located on the property.
6. Elevations and photographs of all sides of the Class A Mobile Home proposed to be located on the property.
7. A statement describing the exterior dimensions and roof slope of the Class A Mobile Home proposed to be located on the property.
8. A description of the exterior finish of the Class A Mobile Home, including exterior walls and roof.
9. A description of the skirting materials to be used.
10. A description of the dimensions of the Class A Mobile Home.
11. Proof that the Class A Mobile Home has met the Mobile Homes Construction and Safety Standards of the U.S. Department of Housing and Urban Development, and the standards of Section 320.823, Florida Statutes.
12. A site plan drawn to scale illustrating the proposed use and including the following:
  - a. Location of the property by lot number, block number and street address, if any.
  - b. The location of trees of four (4) inches diameter or greater, other natural features of unique or significant character, and proposed landscaping within fifty (50) feet of the proposed location for the Class A Mobile Home.

- c. The dimensions of the lot or parcel of land on which the Class A Mobile Home is to be located.
  - d. The location of the proposed Class A Mobile Home on the property, including all setback information.
13. A schematic design of the Class A Mobile Home showing the roof, skirtings, and other improvements.

#### C. PROCEDURE FOR REVIEW OF CLASS A MOBILE HOME PERMIT APPLICATIONS

1. Within twenty (20) days after an application has been submitted, the Public Works Director shall determine whether the application is complete. If the Director determines the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by mail. The Director shall take no further action on the application unless the deficiencies are remedied.
2. Within thirty (30) days after the Public Works Director determines the application is complete, he shall review the application, and shall determine whether the proposal complies with the definition of a detached single-family dwelling unit.
3. Following the determination of compliance, the Public Works Director shall place the application for the determination of the Class A Mobile Home as a detached single-family dwelling unit on the agenda of the next available regular Board of County Commissioners meeting, in accordance with the procedures in Section 11.00.03.
4. The public hearing held on the application shall be in accordance with Section 11.00.04. In determining whether the Class A Mobile Home meets the definition of a detached single-family dwelling unit, the Board of County Commissioners shall consider the standards in this subsection. Within a reasonable time of the conclusion of the public hearing, the Board of County Commissioners shall make a determination as to whether the application meets the definition of a detached single-family dwelling unit in the form specified in Section 11.05.02(D).
5. Notification of the Board of County Commissioners' decision shall be mailed to the petitioner and filed with the Public Works Director in accordance with Section 11.00.04.

#### D. STANDARDS FOR REVIEW

In determining whether a Class A Mobile Home meets the definitions of detached single-family dwelling unit, the Board of County Commissioners shall consider the exterior dimensions, the exterior finish of the roof and walls, and the skirting of the mobile home. Before a Class A Mobile Home will be defined as a detached single-family dwelling unit, the Board of County Commissioners must determine that:

##### 1. Minimum Width of Main Body

The minimum horizontal dimension of the main body of the mobile home as assembled on the site is not less than twenty (20) feet, as measured across the narrowest portion, except

that in the Agricultural Residential (AR-1), Agricultural-1 (AG-1), Agricultural-2.5 (AG-2.5) and Agricultural-5 (AG-5), Zoning Districts, no minimum horizontal dimension shall apply.

**2. Minimum Roof Pitch; Minimum Distance, Eaves to Ridge**

The pitch of the main roof is not less than one (1) foot of rise for each four (4) feet of horizontal run and the minimum distance from eave to ridge is one-half (1/2) the minimum horizontal dimension.

**3. Roofing Materials**

The roofing material used is similar in texture, color and appearance to that of detached single-family dwelling units in the same zoning district in which it is to be located.

**4. Exterior Finish; Light Reflection**

The materials used for the exterior finish and skirting are similar in texture, color, and materials to detached single-family dwelling units in the same zoning district in which it is to be located, and are applied in such a manner as to make the Class A Mobile Home similar in appearance with surrounding detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.

### **11.05.03      DRIVEWAY PERMITS**

#### **A.      APPLICATION FOR PERMIT**

Any person seeking to construct or reconstruct any curb cut or driveway on any County maintained public road in the unincorporated areas of the County shall submit a permit application to the County Engineer accompanied by a non-refundable application fee pursuant to Section 11.17.00.

#### **B.      APPLICATION CONTENTS**

Any person seeking a driveway permit shall submit the original and one (1) copy of an application to the County Engineer. The application shall include the following information:

1.      Name and address of the owner of the property on which the driveway is proposed to be located.
2.      Except for one- and two-family residences, a set of detailed plans for the proposed driveway or curb cut (including the site plan if applicable).
3.      Except for one- and two-family residences, estimated cost of the alteration.
4.      Approval from the Florida Department of Transportation if applicable.
5.      Payment of the applicable fee.
6.      All other information deemed necessary by the County Engineer for the reasonable review of the proposed driveway connection.

#### **C.      PROCEDURE FOR REVIEW OF DRIVEWAY PERMIT APPLICATIONS**

1.      Within twenty (20) working days after the application has been submitted, the County Engineer shall review the application and determine if it is complete.
2.      If the County Engineer determines that the application is not complete, he shall send the applicant a written statement specifying the deficiencies, and shall take no further action unless the deficiencies are remedied.
3.      Within thirty (30) working days after the County Engineer has determination an application is complete, the County Engineer shall approve, approve with conditions or deny the application based upon the standards in Section 7.05.06. Notification of the decision shall be mailed to the applicant and filed in the office of the County Engineer.

#### **D.      APPEALS FROM PERMIT DENIAL**

1.      Procedure for Appeal
  - a.      An appeal may be initiated by any person aggrieved by a decision of the County Engineer.

- b. A Notice of Appeal must be filed with the Board of County Commissioners and the County Engineer within ten (10) days after rendition of such decision.
- c. The filing of such notice will require the County Engineer to forward to the Board of County Commissioners any and all records concerning the appeal.
- d. The Board of County Commissioners shall render a decision on the appeal within thirty (30) days after a Notice of Appeal is filed. The appellant shall be notified by certified mail of the time, date and place of the public meeting.
- e. Notification of the Board of County Commissioners decision shall be mailed to all parties and filed with the County Engineer.

2. Standards for Granting Appeal

In addition to determining whether the requirements set forth in Section 7.05.06(C) have been met, the Board of County Commissioners shall consider whether the proposed driveway is detrimental or injurious to surrounding properties, substantially increases traffic congestion and/or endangers the public safety. The Board may reverse or modify the decision of the County Engineer only upon the demonstration that compliance with the provisions of Section 7.05.06(C) has deprived the petitioner of all reasonable access to the development site.

E. ISSUANCE OF DRIVEWAY PERMIT

Following approval of an application, the County Engineer shall issue a driveway permit which shall take effect on the date issued.

F. CURB CUTS, DRIVEWAYS AND CULVERTS CONSTRUCTED WITHOUT DRIVEWAY PERMIT

- 1. The County Engineer shall notify the Community Development Director and the Code Enforcement Supervisor, when necessary, of the existence of any curb cut, driveway, or culvert on any County-maintained public road in the unincorporated areas of St. Lucie County which was constructed after August 8, 1968, without the approval of the County Engineer and which the County Engineer has specifically found to be detrimental or injurious to surrounding properties, substantially increases traffic congestion and/or endangers the public safety.
- 2. The County Engineer's notification to the Community Development Director and the Code Enforcement Supervisor shall include the Engineer's specific written findings of fact.
- 3. Upon receipt of such notification, the Code Enforcement Supervisor shall notify the owner of the curb cut, driveway or culvert by certified mail of the Engineer's finding of fact and that the curb cut, driveway or culvert must be brought in compliance with the requirements of this Code within thirty (30) days of receipt of the notice. The notice shall specifically identify the nature of the violation. A permit issued pursuant to this Section shall be required for any reconstruction or repair of a curb cut, driveway or culvert initiated pursuant to this Section. If the violation is not corrected within thirty (30) days, the Code Enforcement Supervisor may prosecute the violation pursuant to the provisions of Section 11.13.00.

**11.05.04**

**(RESERVED)**

**11.05.05 (RESERVED)**



## **11.05.06 VEGETATION REMOVAL PERMITS**

### **A. GENERAL PERMIT REQUIRED**

1. No person shall remove or alter protected vegetation from or on any lot or parcel of land in the unincorporated area of St. Lucie County without first obtaining a Vegetation Removal Permit from the Public Works Director unless exempt under Section 6.00.04 of this Code.
2. Any person desiring a Vegetation Removal Permit shall make written application to the Public Works Director using forms provided by the Director.
3. Unless exempt under Section 6.00.04 of this Code, a Preliminary Vegetation Removal plan shall be required with all site plans submitted in accordance with Section 11.02.00. A preliminary vegetation removal plan shall be in substantial conformity with the requirements of this Section, and Section 6.00.00 of this Code. A preliminary vegetation removal plan does not result in an authorization to commence any vegetation removal or alteration. A preliminary vegetation removal plan is intended to generally identify the existing vegetative communities on the proposed development site. Prior to the commencement of any vegetation removal or alteration activities a formal Vegetation Removal permit is required.

### **B. APPLICATION REQUIREMENTS**

1. The application form shall be accurately completed, signed by the land owner or his agent and notarized. If the application is submitted by an agent, it shall include a notarized statement clearly indicating that the land owner has delegated full authority to the agent to apply for the permit and that the owner accepts any special conditions which may be imposed by the Public Works Director pursuant to this Code.
2. Each application for a Vegetation Removal Permit shall be accompanied by a:
  - a. Vegetation inventory which shows:
    1. The approximate location, extent and general type of all vegetation on the subject lot or parcel of land, including common ~~or~~ and scientific names of the major groups of vegetation;
    2. All protected vegetation proposed for either removal or preservation;
    3. The proposed buildings, structures, driveways, and other improvements drawn to scale; and
    4. An illustrative plan of the existing vegetative conditions on the project site, including an identification of what areas will be impacted by the proposed development activity and what areas are proposed for protection/preservation. The individual locations of all County-protected trees, that are 12 inches, or greater, in diameter at breast height (D.B.H.), except for palms which shall have a minimum clear trunk of ten (10) feet, that are located within all areas of proposed improvement and within twenty (20) feet of all proposed improvement areas shall be shown on the

illustrative plan. For the purposes of this requirement, improvement areas shall include all subdivision lot lines and maximum buildable areas, as identified in Section 11.02.10 (A)(3)(d).

3. The Public Works Director may require that the application include such additional information necessary for adequate administration of this Section.
4. Two (2) copies of the application and accompanying documents shall be submitted to the Public Works Director.
5. The completed application shall be accompanied by an application review fee established in accordance with Section 11.12.00 of this Code. Additionally, Payment of applicable permit and inspection fees, established in accordance with Section 11.12.00 of this Code, shall be required prior to issuance of the Notice of Intent as described Section 11.05.06(D) of this Code.
6. The filing of an application shall be deemed to extend permission to the Public Works Director or his designee to inspect the subject site for purposes of evaluating the application.

#### C. REVIEW OF APPLICATIONS FOR VEGETATION REMOVAL PERMITS

1. The Public Works Director shall review each Vegetation Removal Permit Application and render a determination of completeness within two (2) working days of submission. If the application is determined incomplete, it shall be returned to the applicant with an identification of the areas in which a deficiency exists. Any application determined to be incomplete must be returned to the Public Works Director within thirty (30) days of the date of notification of incompleteness. Any application not returned within that time shall be subject to the payment of a new application fee.
2. Within twenty (20) days after an application has been determined to be complete, the Public Works Director, shall review the application and approve, approve with conditions or deny the application, based on the standards set forth in Section 6.00.05 of this Code. If no decision is issued within thirty (30) days from the initial date of submission of the application, the application shall be deemed to have been approved in accordance with the information provided in the application.

#### D. PROCEDURES FOR ISSUANCE OF VEGETATION REMOVAL PERMITS

1. The Public Works Director shall conduct an inspection of the proposed development site and upon determination of compliance with the provisions of Section 6.00.00 of this code, shall issue a Vegetation Removal Permit. No Vegetation Permit shall be issued until the Public Works Director has verified compliance with the provisions of Section 6.00.00 of this code. A Vegetation Removal Permit may be issued on site.
2. Once issued, a Vegetation Removal Permit must be prominently displayed upon the subject site.

#### **E. TERM OF VEGETATION REMOVAL PERMITS**

1. A Vegetation Removal Permits issued with a Final Development Order shall be valid for the term of the Final Development Order and shall be renewed, as necessary, with the Final Development Order.
2. Vegetation Removal Permits issued without a Final Development Order shall remain valid for a term of six (6) months and may be renewed for a second six (6) month period. A request for renewal must be made in writing to the Public Works Director prior to the expiration of the permit. If the Public Works Director determines that site conditions have changed substantially from the date of issuance of the initial permit as a result of natural growth of trees and vegetation, or high winds, hurricane, tornado, flooding, fire, or other act of nature, the Director may require reapplication and full review. The determination of the Public Works Director regarding the necessity for reapplication and review shall be made within ten (10) working days of receipt of a written request for renewal. If such a determination is not made within that period of time, the permit shall be automatically renewed.
3. Unless renewed as provided above, a Vegetation Removal Permit shall expire and become void if the work authorized by the permit is not commenced within six (6) months after the date of the permit.
4. Unless renewed as provided above, a Vegetation Removal Permit shall expire and become void if authorized removal work, once commenced, is suspended, discontinued, or abandoned for a period equal to or greater than six (6) months.
5. If a Vegetation Removal Permit expires or becomes void after work has commenced, a new permit must be obtained before work is resumed. Any new application for a Vegetation Removal Permit must comply with all applicable standards in effect that the time of reapplication.

#### **F. VIOLATIONS**

1. If the Public Works Director determines that any land development activity violates the terms or conditions of an issued Vegetation Removal Permit or the provisions of this Code, the Director may issue a Stop Work Order on the development site in question and process the violation for appropriate review and enforcement in accordance with Section 11.13.03 of this Code.
2. If the Public Works Director determines that any land development activity violates the terms or conditions of an issued Vegetation Removal Permit, or was conducted in the absence of a required Vegetation Removal Permit, the Public Works Director may direct that remedial mitigation through new plantings, relocations or preservation be provided for as follows:
  - a. all replacement trees, either preserved, relocated or newly planted, shall be of the same or other native species as the tree(s) removed;
  - b. the quality and size of the replacement trees shall meet the minimum landscape

requirements set forth in Section 7.09.03(C). The Public Works Director may require a minimum caliper of tree greater than that set forth in Section 7.09.03(C) depending on specific site conditions and circumstances;

- c. the quantity of replacement trees shall be at a ratio of four (4) inches D.B.H. per one (1) inch D.B.H. removed, except that for each palm tree that is removed the palm tree mitigation requirement shall be at a ratio of one palm tree preserved/relocated for each palm removed.
- d. The replanting design shall provide adequate space for root and crown development;
- e. The replanting design shall include adequate understory and ground cover plants and materials as necessary to replicate the existing native habitat that was improperly removed or disturbed;
- f. When the property being developed is not appropriate for on-site mitigation, the developer may mitigate off site on public lands in the County in the following manner:
  - 1. obtain written permission from the appropriate public entity to implement the necessary replanting plan. The developer shall provide all necessary services to implement the replanting plan, including but not limited to funding, plant materials and labor; or
  - 2. contribute \$200 per inch DBH required for mitigation to the County to be used at the County's discretion for either the acquisition and maintenance of publicly owned environmentally unique lands, or to be used for relocating or replanting native trees on public lands. Any such work shall be performed by a qualified professional.
- g. In the event that the Public Works Director is unable to determine the D.B.H. of trees removed through the improper land clearing activity, the Public Works Director shall request that the developer provide documentation verifying the number, type and size of all trees removed. If the developer cannot provide this information, or if this information is determined by the Public Works Director to be incomplete, the Public Works Director may develop an estimate of the number, type and sizes of the trees removed. In determining this estimate, the Public Works Director shall use any and all available historical data and data of record for the property including, but not limited to, recent aerial and ground photography of the site; site plan or survey data on file or that is otherwise available to the County, and any other credible information that can be used to provide an accurate representation of the property before it was improperly cleared. In the event that the developer disputes or otherwise does not agree with the estimate determined by the Public Works Director, the developer may appeal this determination to the County Administrator. In the event that the developer does not agree to the decision of the County Administrator, the developer may appeal that determination to the Board of County Commissioners consistent with the procedures described in Section 11.11.01(B)(2) of this Code.

- h. As part of the mitigation agreement approved by the Public Works Director the property owner shall submit to an inspection of the planted/preserved materials 18 months after the approval of the mitigation agreement. If it is determined that the mitigated planted or preserved trees and other materials are dead, diseased or otherwise not in compliance with the provisions of this Code and the original approved mitigation plan, the property owner shall be provided notice and directed to correct any observed deficiencies and replace all noncompliant trees within 60 days. Failure to maintain all required mitigation shall be grounds for referral to the Code Enforcement Board for appropriate enforcement actions.

#### **G. APPEALS**

Except as provided for in paragraph (F)(2)(g) above, any final action by the Public Works Director may be appealed to the Board of Adjustment, in accordance with the provisions of Section 11.11.00 of this Code.

## **11.05.07 STORMWATER PERMITS**

### **A. APPLICATION FOR PERMIT**

Unless exempted by Section 7.07.05, any person undertaking development within the unincorporated area of St. Lucie County shall be required to submit a Stormwater Management Permit application to the County Engineer, accompanied by a non-refundable application fee in accordance with Section 11.12.00.

### **B. APPLICATION CONTENTS**

The Stormwater Management permit application shall include following information:

1. Category 1 Permits shall apply to all development activities taking place on property qualifying for a South Florida Water Management District exemption under Rule 40E-4.051, F.A.C. A Category 1 Permit application shall include:
  - a. Name, address and telephone number of the property owner, the applicant (if different from owner) and project engineer, consultant or agent.
  - b. Detailed location sketch with section, township and range.
  - c. Recent aerial photograph with the project boundaries shown, north arrow and scale indicator.
  - d. Topographic map of the presently existing project site. The map should contain, at a minimum: the project boundaries, a north arrow, a scale indicator, one-foot contour lines which extend at least ten (10) feet beyond the project in all directions, and bench mark information (NGVD).
  - e. Boundary survey and legal description.
  - f. Soil boring to a minimum depth of six (6) feet below average existing ground elevation identifying soil types and seasonal water table fluctuations.
  - g. Detailed paving, grading and drainage plans identifying all storm water management structures and facilities.
  - h. All drainage calculations and supporting documentation used for the design of the stormwater management system as outlined in Section 7.07.00 of this Code.
  - i. Legal positive outfall shall be documented if applicable.
  - j. Any other information which the developer or the County Engineer believes is necessary to properly evaluate the permit application.
2. Category 2 Permits apply to all development activities taking place on property qualifying for a South Florida Water Management Permit under Chapter 40E-40 and Rule 40-E-4, F.A.C.. The receipt of a South Florida Water Management District Surface Water

Management Permit shall serve as prima facie evidence of compliance with the intent of Section 7.07.00. A Category 2 Permit application shall include:

- a. All information as described in Category 1 Permit Application.
- b. All information submitted to the SFWMD that was the basis for issuance of its permit or letter of exemption, under Chapter 40E-40 and 40E-41, F.A.C.

**C. PROCEDURE FOR REVIEW OF STORMWATER MANAGEMENT PERMIT APPLICATIONS**

1. Within twenty (20) working days after an application for stormwater management permit has been submitted, the County Engineer shall review the application and determine if it is complete.
2. If the County Engineer determines that the application is not complete, he shall send the applicant a written statement specifying the deficiencies and shall take no further action unless the deficiencies are remedied.
3. Within twenty (20) working days after an application has been determined to be complete, the County Engineer shall review the application and approve, approve with conditions or deny the application based upon the standards established in Section 7.07.00.
4. If additional stormwater related permits are required from the South Florida Water Management District, Florida Department of Environmental Protection, U. S. Army Corps of Engineers, or any other duly authorized regulatory agency, any authorization by the County Engineer to proceed with the commencement of development activity may be conditioned to restrict such commencement until such time as all other stormwater related permits have been issued. In those cases where conflicts exist between regulatory standards or conditions, the more restrictive conditions or standards shall apply.
5. Nothing in this Section shall be deemed to prevent the concurrent review of these stormwater management plans for the purpose of permit approval.

**D. APPEALS FROM PERMIT DENIAL**

Any final action by the County Engineer may be appealed to the Board of Adjustment in accordance with the provisions of Section 11.11.00.

## **11.05.08 AIRPORT ZONE PERMITS**

### **A. APPLICATION FOR PERMITS**

Except as specifically provided in this Section and Section 10.00.02, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any airport zone described in Section 4.00.00 unless a permit therefore shall have been applied for and granted.

An application for a permit required by Section 4.00.00 shall be made to the Community Development Director, accompanied by a non-refundable application fee as established in Section 11.12.00.

### **B. APPLICATION CONTENTS**

Such application shall be in such form as is required by the Community Development Director, which form shall include, at a minimum, the name, address and telephone number of the owner; a legal description of the property; and the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations in Section 4.00.00. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with Section 10.01.00.

### **C. PROCEDURE FOR REVIEW OF AIRPORT ZONE PERMITS**

1. Within twenty (20) days of receipt of the application, the Community Development Director shall review the application to determine if it is complete. If the application is not complete, the Director shall notify the applicant of the deficiencies in writing. The Director shall take no further action on the application until the deficiencies are remedied.
2. Within thirty (30) days after the application is determined complete, the application shall be reviewed by the Community Development Director and approved, approved with conditions or denied, pursuant to the standards in Section 11.05.08(D).

### **D. STANDARDS FOR REVIEW**

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed in Section 4.00.03.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed in Section 4.00.03.
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because



of terrain, land contour, or topographic features, would extend above the height limits prescribed in Section 4.00.03.

4. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Code.

#### E. EXISTING USES

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater obstruction to air navigation than it was on the effective date of this Code or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

#### F. NONCONFORMING USES ABANDONED OR DESTROYED

Whenever the Community Development Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

#### G. CONDITIONS ON PERMIT APPROVAL

Any permit granted will be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as required by Chapter 333.07(3), Florida Statutes, Revised Through 2/16/93, and consistent with the standards published in Chapter 14-60, Rules of the Department of Transportation. If deemed proper by the Community Development Director, this condition may be modified to require the owner to allow the St. Lucie County Port and Airport Authority at its own expense, to install, operate, and maintain the necessary markings and lights.

#### H. APPEALS FROM PERMIT DENIAL

Any final action by the Community Development Director may be appealed to the Board of Adjustment in accordance with the provisions of Section 11.11.00.

## **11.05.09 WASTEWATER AND SEWAGE DISPOSAL COMPLIANCE PERMITS**

### **A. APPLICATION FOR PERMIT**

Any person required to obtain a Wastewater and Sewage Disposal Compliance Permit pursuant to Section 7.08.04 shall submit an application to the Community Development Director accompanied by a non-refundable fee as established in Section 11.12.00.

### **B. APPLICATION CONTENTS**

Such application shall be in such form as is required by the Community Development Director, which form shall include, at a minimum, the name of the business, the name of the owner of the business, the location at which the business is operated, and a specific identification of each activity, use, operation, service, and manufactured or processed product involved in the conduct of such business. Volatile organic testing for on-site well(s), in the form required by the Director, shall also be submitted with each application. The application must be signed and sworn to by an owner of the business.

### **C. PROCEDURE FOR REVIEW OF WASTEWATER AND SEWAGE DISPOSAL COMPLIANCE PERMITS**

The Community Development Director shall forward every such application to the County Public Health Unit for review and certification. Upon receipt from the Health Department of a certification that the business has been inspected and that the use of the on-site septic system by the business for wastewater and sewage disposal is in compliance with all regulations of the State Department of Health and Rehabilitative Services, the Director shall issue the Wastewater and Sewage Disposal Compliance Permit.

### **D. APPEAL FROM PERMIT DENIAL**

Any final decision of the Community Development Director denying a Wastewater Sewage Disposal Compliance Permit may be appealed to the Environmental Control Board pursuant to Section 11.11.00.

**11.05.10**

**WELLFIELD PROTECTION OPERATING AND CLOSURE PERMITS**

**(RESERVED)**

## **11.05.11 MINING PERMITS**

### **A. REQUIREMENT FOR PERMIT; EXEMPTIONS**

1. Except as provided in this Section, no mining or excavation operation shall be conducted in the unincorporated areas of St. Lucie County without a permit from the Board of County Commissioners. As used in this Section, the terms "mining" and "excavation operation" include any operation that entails the excavation or removal of earth in excess of one hundred (100) cubic yards from one (1) parcel of property to another parcel of property, or from one area of a parcel of property to another area on the same parcel if a public road is used.
2. No mining permit shall be required under this section for the following activities:
  - a. Installing utilities; or,
  - b. Installing foundations for any building or other structure, or undertaking any development authorized by Site Plan Approval, Conditional Use Permit, Planned Unit Development Approval, or Building Permit; or,
  - c. Digging drainage or mosquito control ditches and canals by authorized units and agencies of government; or,
  - d. Digging drainage or mosquito control ditches and canals by private persons when construction is permitted by all authorizing agencies, if any, and when the excavated material is not removed from the involved tract of land; or,
  - e. Excavating for accessory uses of land, such as parking lots, septic tanks, graves, etc., that are designed to be filled and graded upon completion of excavation; or,
  - f. Excavating for a swimming pool when construction is permitted by all authorizing agencies.
3. Mining permits authorized by the Board of County Commissioners and issued by the County Engineer prior to the effective date of this Code shall be treated as issued under this Code.
4. Applications for mining permits filed prior to the effective date of this Code shall be governed by the procedures and standards effective on the date of application.

### **B. CLASSES OF PERMIT; TIME LIMITS**

There are hereby established two (2) classes of mining permit, as follows:

1. Class I permit:
  - a. A Class I permit shall apply to all mining operations that do not qualify for a Class II permit.
  - b. A Class I permit shall be valid for a period of not more than six (6) years.

- c. During the term of a Class I permit the permittee shall update the mining plan at least once every forty-eight (48) months, or more frequently if needed to reflect any significant change in the plan. Failure to timely file an updated mining plan shall render the permit expired. The updated mining plan shall be filed in duplicate with and subject to the approval of the County Engineer. The updated mining plan shall be subject to the approval of the Board of County Commissioners in the same manner as an application for a mining permit when, in the opinion of the County Engineer:
  - 1. The updated mining plan constitutes a significant change to the approved mining plan; or
  - 2. The permittee has failed to meet any requirement of this Code, or has deviated substantially from or disregarded the terms and conditions of the permit or the approved mining plan.

2. Class II permit:

- a. A Class II permit shall apply to mining operations that meet the following qualifications:
  - 1. The area to be mined is more than twenty (20) acres;
  - 2. The mining activity involves the excavation of lime rock, cemented coquina, shell rock, or other consolidated mineral matter or sand, if extensive processing such as screening and washing is required prior to the shipment of the sand; and
  - 3. The mining activity requires such a substantial capital investment in plant and equipment that, if limited to a period of forty-eight (48) months, would not yield a rate of return on investment equal to the weighted cost of capital, including debt and equity.
- b. A Class II permit shall be valid for a period of not more than twenty (20) years.
- c. During the term of a Class II permit the permittee shall update the mining plan at least once every forty-eight (48) months, or more frequently if needed to reflect any significant change in the plan. Failure to timely file an updated mining plan shall render the permit expired. The updated mining plan shall be filed in duplicate with and subject to the approval of the County Engineer. The updated mining plan shall be subject to the approval of the Board of County Commissioners in the same manner as an application for mining when, in the opinion of the County Engineer:
  - 1. The updated mining plan constitutes a significant change to the approved mining plan; or
  - 2. The permittee has failed to meet any requirement of this Code, or has deviated substantially from or disregarded the terms and conditions of the permit or the approved mining plan.

### C. APPLICATION FOR MINING PERMIT

Any person seeking a mining permit shall submit the original and one (1) copy of an application to the County Engineer, which application shall include the following:

1. Operational statement

The operational statement shall include:

- a. The names and business addresses of all applicants.
- b. Proof of ownership of the property to be mined.
- c. The size of the property to be mined in acres.
- d. The type of permit requested.
- e. A timetable or schedule for mining activities, from commencement of operations through completion of reclamation.
  1. For a Class I permit, the schedule shall cover the entire operation.
  2. For a Class II permit, the original application schedule shall contain a specific timetable for the first active phase of the operation, and a general timetable for the balance of the entire operation. All required updated mining plans shall include a specific timetable for each active phase.
- f. The proposed days and hours of operation, including maintenance and service of equipment.
- g. The method of extraction and processing, including disposition of overburden or top soils as well as the type of excavation equipment to be used.
- h. The location and estimated annual output of machinery or equipment to be used in any screening, crushing, or processing operation for materials mined or excavated on the site.
- i. Operating practices proposed:
  1. To minimize noise, dust, air contaminants, and vibration;
  2. To prevent undue damage to public streets and roads or creation of a traffic hazard;
  3. To prevent overburdening the existing drainage system; and
  4. To prevent undue pollution of surface and underground water and undue alteration of the water table.

- j. Any other information necessary by the County Engineer for the reasonable review of the proposed mining operation.

## 2. Mining plan

The mining plan shall be submitted on twenty-four inch by thirty-six-inch detail sheets and at a scale no smaller than one (1) inch equals fifty (50) feet, unless the County Engineer deems a smaller scale to be appropriate. Detail sheets shall include:

- a. The north point, scale, and date of the plan.
- b. The location of the property to be mined by legal description and street address, if any.
- c. The boundary lines and dimensions of the property.
- d. The extent of the area to be excavated, with dimensions showing property line setbacks, corner locations, required berm and swale, and phase boundaries, if applicable.
- e. A typical cross-section showing the slope and grade of excavation side slopes, berm, and swale.
- f. Processing, storage, and ponding or water detention areas.
- g. Proposed fencing, gates, and parking.
- h. Any other information deemed necessary by the County Engineer for the reasonable review of the proposed mining operation.

## 3. Reclamation plan

The reclamation plan shall delineate procedures necessary to assure that, upon completion of the mining activity, the property's surface will be left in a suitable condition. The reclamation plan shall include:

- a. A statement of planned reclamation, including the methods to accomplish reclamation as well as the phasing and timing of reclamation.
- b. A plan setting forth the final grade of the excavation any water features included in the reclamation, proposed methods to prevent stagnation and pollution, landscaping or vegetative planning, and areas of cut or fill.
- c. If excavation is to be accomplished in phases, the area, extent, and approximate timing of each phase.
- d. The method of disposing of any equipment or structure used in the mining operation.

- e. Any other information deemed necessary by the County Engineer for the reasonable review of the proposed mining operation.

#### **D. PROCEDURE FOR OBTAINING MINING PERMIT**

1. An application for Mining Permit shall be submitted to the County Engineer in a form established by the Engineer along with an applicable fee as established in Section 11.12.00.
2. Within twenty (20) working days the County Engineer shall review the application for Mining Permit and:
  - a. Determine that the application is complete and proceed with the review; or,
  - b. Determine that the application is not complete and inform the applicant in writing of the missing components. The applicant shall have thirty (30) working days to submit a revised application without payment of an additional processing fee, but if more than thirty (30) working days have elapsed, he must reinitiate the review process and pay any additional fees as identified in Section 11.12.00.

An application shall be deemed to be complete if, and only if, all of the required submittals of Section 11.05.11(C) are provided.

3. Once an application for Mining Permit has been determined to be complete, the County Engineer shall have twenty (20) working days in which to review the submitted application for compliance with provisions of the Code. If the County Engineer determines that the application does not comply with the provisions of this Code he shall inform the applicant in writing of the cited deficiencies. No further review of the application shall take place until the cited deficiencies are addressed.
4. When the County Engineer determines that the application for Mining Permit is complete, he shall notify the Board of County Commissioners and schedule a public hearing before the Board of County Commissioners in accordance with the provisions of Sections 11.00.03 and 11.00.04.
5. The County Engineer shall issue a report to the Board of County Commissioners recommending approval, approval with conditions or denial of the application for Mining Permit.
6. The Board of County Commissioners shall consider the application for Mining Permit at a regularly scheduled public meeting. In reviewing the application for Mining Permit, the Board of County Commissioners shall consider the recommendations of the County Engineer and any testimony presented during the public hearing and make a determination whether the application is consistent with the provisions of this Code the St. Lucie county Comprehensive Plan and any other applicable ordinances. Within a reasonable time following the conclusion of the public hearing, the Board of County Commissioners shall approve, approve with conditions or deny the application.
7. Following approval of an application by the Board of County Commissioners, the County



Engineer shall issue a mining permit upon the applicant furnishing a performance bond in accordance with Section 6.06.01(B)(2) and payment of a nonrefundable permit fee according to a schedule established by resolution of the Board of County Commissioners. The permit shall set forth any condition, limitation, or requirement imposed by the Board of County Commissioners, and shall take effect on the date the Board approves the permit. No mining may commence until a permit is issued and all restrictions, regulations, and conditions of that permit have been met. If an applicant fails to post a performance bond and obtain a mining permit within one (1) year of the date of approval by the Board of County Commissioners, the approval shall automatically terminate.

#### **E. CRITERIA FOR ISSUING MINING PERMIT**

Approval of a mining permit application shall be granted by the Board of County Commissioners only if the applicant demonstrates the following:

**1. Consistency with zoning, the Comprehensive Plan, and County ordinances:**

The proposed mining operation is consistent with the general purpose, goals, objectives, and standards of this Code, the St. Lucie County Comprehensive Plan, and the Code of Ordinances of St. Lucie County; and the proposed mining operation complies with all additional standards imposed on it by the particular provisions of those ordinances and regulations.

**2. Effect on adjacent properties:**

- a. The proposed mining operation will not have an undue adverse effect upon adjacent property, the character of the neighborhood, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
- b. All reasonable steps have been taken to minimize noise, dust, air contaminants, and vibration.
- c. The proposed mining operation will not overburden the existing drainage system.
- d. All reasonable steps have been taken to prevent undue pollution of surface and underground water, and to prevent undue alteration of the water table.
- e. The proposed mining operation will be arranged and conducted so as not to interfere unreasonably with the development and use of neighboring property.

**3. Effect on transportation system:**

The proposed mining operation will not cause undue damage to public streets and roads, and will not create a traffic hazard.

**4. Adequacy of reclamation plan:**

The reclamation plan is adequate to ensure that the property will be properly reclaimed upon completion of mining operations.

**F. MODIFICATION OR EXTENSION OF MINING PERMIT**

Any significant change in mining operations, the mining plan, or the reclamation plan, and any extension in the mining permit approval period, shall be in accordance with a new mining permit application conforming with and approved under this Code. Any reduction in mining operations, including but not limited to a reduction in hours of operation, a reduction in mining plan area, or a reduction in the scope of operations shall be deemed to be not significant.

**G. SUSPENSION OF MINING PERMIT**

**1. Grounds:**

The County Engineer shall suspend any mining permit issued under this Code upon determining that the permittee has failed to meet any requirement of this Code, or has deviated substantially from or disregarded the terms and conditions of the permit, in a manner that poses an immediate danger to the public health, safety, and welfare.

**2. Effect:**

No mining operation shall be conducted following suspension of a mining permit until the County Engineer determines that the permittee is in full compliance with the requirements of this Code and the terms and conditions of the mining permit, and reinstates that permit.

**3. Hearing notice:**

Unless the County Engineer has previously reinstated the permit, the permittee under any suspended mining permit shall be provided a hearing at a regularly scheduled meeting of the Board of County Commissioners. The County Engineer shall notify the permittee of the date, time, and location of such hearing when he imposes the suspension.

**4. Confirmation or rescission:**

At the hearing, the Board of County Commissioners shall consider the evidence presented and shall:

- a. Confirm the suspension, in which event mining operations shall not be reactivated until the County Engineer determines that the permittee is in full compliance with the requirements of this Code and the terms and conditions of the permit, and reinstates the permit;
- b. Confirm the suspension and initiate proceedings to revoke the permit; or
- c. Rescind the suspension and direct the County Engineer to reinstate the permit.

**H. REVOCATION OF MINING PERMIT**

**1. Grounds:**

The Board of County Commissioners shall revoke any mining permit issued under this

Code upon determining that the permittee has:

- a. Failed to meet any requirement of this Code or any other rule or regulation governing the permitted mining operations;
- b. Deviated substantially from or disregarded the terms and conditions of the mining permit; or
- c. Misstated, misrepresented, or withheld material facts in the permit application.

2. Initiation of procedure:

Upon recommendation of the County Engineer or upon its own motion, the Board of County Commissioners shall initiate proceedings to revoke a mining permit by scheduling a public hearing on the matter and directing the County Engineer to make a report.

3. Notice:

The permittee shall be provided, by certified mail, notice indicating the date, time, and location of a hearing on the proposed revocation.

4. Hearing:

At the hearing on the proposed revocation, the Board of County Commissioners shall consider the testimony, submittals, and information presented, and the report of the County Engineer, and shall determine whether there exists any ground for revoking the mining permit. The Board shall require such additional reports as it deems necessary to make its determination.

5. Decision:

Within a reasonable time, the Board of County Commissioners shall determine whether to revoke the mining permit. Notification of the decision of the Board shall be mailed to the permittee and filed with the County Engineer.

## **11.05.12 WETLANDS PERMITS**

### **A. APPLICATION FOR PERMIT**

1. Any construction, dredging, filling, or alteration in, on or over a jurisdictional wetland shall require a permit by the Community Development Director, unless specifically exempted by Section 6.02.03 of this Code.
2. Permit applications shall be made on forms prescribed by the Community Development Director, and shall be accompanied by a non-refundable fee in accordance with Section 11.12.00. The Director is encouraged to make use of forms already in use by other state or federal environmental regulatory agencies.

### **B. APPLICATION CONTENTS**

1. An application shall not be deemed complete until all information reasonably necessary to fully understand the extent, nature, and potential impacts of a proposed project is received by the Community Development Director. Such information shall include, but is not limited to:
  - a. An explanation of the need and intent of the project;
  - b. A description of construction methodology;
  - c. A completed application form;
  - d. Aerial photographs;
  - e. Line sketches;
  - f. Identification of the type and location of wetlands in the vicinity of, and likely to be affected by, the project;
  - g. Water depths referenced to MLW, MHW, OLW, or OHW, as appropriate;
  - h. An explanation of any proposed mitigation;
  - i. Other scientific and engineering data necessary to determine whether the application meets the criteria in Section 6.02.03.
2. The Community Development Director shall provide a notice to all adjacent property owners whose property also adjoins the wetland.

### **C. PROCEDURE FOR REVIEW OF WETLAND PERMIT APPLICATION**

1. Within twenty (20) days of receipt of the application for a Wetland Permit, the Community Development Director shall determine if the application is complete.
2. If the Community Development Director determines the application for a Wetland Permit

is not complete, the Director shall inform the applicant in writing of the cited deficiencies. No further review of the application shall take place until the cited deficiencies are addressed.

3. If the Community Development Director determines that the application is complete, he shall within twenty (20) days approve, approve with conditions or deny the application for a Wetlands Permit.
4. Any application containing false information, or any permit issued based upon false information, may be denied or revoked.
5. Permits shall be issued with a duration period that is reasonably necessary to complete the project and any necessary mitigation, not to exceed five (5) years for projects up to 100 acres of wetlands and not to exceed ten (10) years for projects over 100 acres of wetlands.
6. Any application received that is substantively the same as the previous application that has been denied by the Community Development Director shall also be denied without further processing.
7. Any site or applicant which has been found to be in violation of this Code shall not be issued a permit until such violation has been corrected.
8. Any substantial modification to a complete application (unless the modification is recommended by the Community Development Director) or to an issued permit, shall be treated as a new application for permit.

#### **D. APPEAL FROM PERMIT DENIAL**

Any final decision of the Community Development Director may be appealed to the Environmental Control Board in accordance with Section 11.11.00.

#### **11.05.13 LOCAL PERMIT NOT EXCLUSIVE**

It is the intent of this Section that permits or approvals required hereunder shall be in addition to and not in lieu of any federal, state, regional or other local approvals which may be required for the same or similar activities. In the event this chapter conflicts with any other regulations on this subject matter, the more restrictive shall apply. Compliance with provisions of this chapter does not excuse any person for noncompliance with other applicable federal, state, regional for local laws.

## **11.06.00 AMENDMENTS TO THE CODE AND OFFICIAL ZONING ATLAS**

### **11.06.01 PURPOSE**

The purpose of this section is to provide a means for amending the text of the Comprehensive Plan, this Code or the Official Zoning Atlas. It is not intended to relieve particular hardships or confer special privileges or rights on any person.

### **11.06.02 PERSONS ENTITLED TO PROPOSE AMENDMENTS**

- A. Amendments to the text of this Code may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, or any other interested party.
- B. Amendments to the Official Zoning Atlas may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, or over fifty (50) percent of the owners of the real property to be directly affected by the proposed amendment.

### **11.06.03 STANDARDS OF REVIEW**

In reviewing the application of a proposed amendment to the text of this Code or an application for a proposed amendment to the Official Zoning Atlas, the Board of County Commissioners and the Planning and Zoning Commission shall consider:

- A. Whether the proposed amendment is in conflict with any applicable portions of this Code;
- B. Whether the proposed amendment is consistent with all elements of the St. Lucie County Comprehensive Plan.
- C. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;
- D. Whether there have been changed conditions that require an amendment;
- E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether or to the extent to which the proposed amendment would exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit and emergency medical facilities;
- F. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;
- G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
- H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;
- I. Whether the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and interest of this Code; and

- J. Any other matters that may be deemed appropriate by the Planning and Zoning Commission or the Board of County Commissioners, in review and consideration of the proposed amendment.

#### **11.06.04 PROCEDURES**

**A. PROPOSAL BY THE BOARD OF COUNTY COMMISSIONERS OR THE PLANNING AND ZONING COMMISSION**

Proposals for an amendment to the text of this Code or an amendment to the Official Zoning Atlas by the Board of County Commissioners or the Planning and Zoning Commission shall be transmitted to the Community Development Director for application. Any interested party may request that the Board of County Commissioners or the Planning and Zoning Commission initiate such an application.

**B. PROPOSALS BY OTHERS**

Any person desiring to apply to the Board of County Commissioners for an amendment to the text of this Code or an amendment to the Official Zoning Atlas shall submit an application to the Community Development Director, accompanied by a nonrefundable application fee as established from time to time by the Board of County Commissioners to defray costs of processing the application.

**C. APPLICATION**

The application shall include the following information:

1. The applicant's name and address;
2. If the application requests an amendment to the text of this Code, the precise wording of any proposed amendment to the text of this Code shall be provided;
3. A statement describing any changed conditions that would justify an amendment;
4. A statement describing why there is a need for the proposed amendment;
5. A statement describing whether and how the proposed amendment conforms to the St. Lucie County Comprehensive Plan.
6. A statement outlining the extent to which the proposed amendment:
  - a. Is compatible with existing land uses;
  - b. Affects the capacities of public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit, and emergency medical facilities;
  - c. Affects the natural environment; and,
  - d. Will result in an orderly and logical development pattern.



7. If the application requests an amendment to the Official Zoning Atlas, the applicant shall include:
  - a. The street address and legal description of the property proposed to be reclassified;
  - b. The applicant's interest in the subject property;
  - c. The owner's name and address, if different than the applicant, and the signature of over fifty (50) percent of the owners of the real property whose property would be reclassified by the proposed amendment, giving their consent to the filing of application, if applicable;
  - d. The current zoning classification and existing uses of the property proposed to be reclassified;
  - e. The area of the property proposed to be reclassified, stated in square feet or acres, or a major fraction thereof.
8. Such other information or documentation as the Community Development Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

**D. SUBMISSION TO THE COMMUNITY DEVELOPMENT DIRECTOR**

Within twenty (20) days after an application for an amendment to the text of this Code or an application for an amendment to the Official Zoning Atlas is submitted, the Community Development Director shall determine whether the application is complete. If the Director determines the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by mail. The Director shall take no further action on the application unless the deficiencies are remedied.

**E. REVIEW BY COMMUNITY DEVELOPMENT DIRECTOR**

When the Community Development Director determines an application for an amendment to the text of this Code or an application for an amendment to the Official Zoning Atlas is complete, the Director shall review the application, make a recommendation and notify the Planning and Zoning Commission that the application is complete.

**11.06.05 ACTION BY PLANNING AND ZONING COMMISSION**

**A. PUBLIC HEARING BY PLANNING AND ZONING COMMISSION**

Upon notification of the completed application for an amendment to the text of this Code or an application for amendment to the Official Zoning Atlas, the Planning and Zoning Commission shall place it on the agenda of a regular meeting for a public hearing in accordance with the requirements of Section 11.00.03. The public hearing held on the application shall be in accordance with Section 11.00.04. In determining whether to recommend that the Board of County Commissioners approve the application, the Planning and Zoning Commission shall consider the

standards in Section 11.06.03.

**B. ACTION BY PLANNING AND ZONING COMMISSION**

Within a reasonable time of the conclusion of the public hearing, the Planning and Zoning Commission shall make a recommendation to grant or deny the application for amendment to the Board of County Commissioners.

**11.06.06 ACTION BY BOARD OF COUNTY COMMISSIONERS**

- A. Upon receipt of the recommendation of the Planning and Zoning Commission, the Board of County Commissioners shall place the application on the agenda of a regular meeting of the Board of County Commissioners for a public hearing or hearings, in accordance with the requirements of Section 11.00.03.
- B. In making a decision on the application, the Board of County Commissioners shall consider the recommendation of the Planning and Zoning Commission and the standards in Section 11.06.03.
- C. Within a reasonable time of the conclusion of the public hearing, the Board of County Commissioners shall either grant or deny the application for a proposed amendment.
- D. Notification of the Board of County Commissioners' decision shall be mailed to all parties, and the decision shall be filed in the Office of the Community Development Director in accordance with Section 11.00.04(F).

**11.06.07 TIME LIMITATION**

- A. After a decision or recommendation denying a proposed amendment to the text of this Code or a proposed amendment to the Official Zoning Atlas, the Board of County Commissioners and the Planning and Zoning Commission shall not consider an application for the same amendment for a period of two (2) years from the date of the action.
- B. The time limits of this subsection may be waived by the affirmative vote of four (4) members of the Board of County Commissioners when such action is deemed necessary to prevent injustice or facilitate the proper development of the County.

## **11.07.00      CONDITIONAL USES**

### **11.07.01      GENERAL PROVISIONS**

#### **A.      PURPOSE**

The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make the uses compatible in their specific contexts.

#### **B.      AUTHORITY**

The Board of County Commissioners may, in accordance with the procedures, standards, and limitations of this Code, grant conditional use permits for those uses enumerated in each of the zoning districts in Section 3.01.00 of this Code.

#### **C.      REQUIREMENT FOR FOUR-FIFTHS VOTE WHEN PROTEST IS FILED**

In the case of a written protest against an application for a Conditional Use Permit, signed by the owners of fifty (50) percent or more of the area within five hundred (500) feet of the property affected by the proposed action, such Conditional Use Permit shall not be approved except by the favorable vote of four-fifths (4/5) of all of the Board of County Commissioners. Publicly owned right-of-way, although included in calculating the distance of five hundred (500) feet referred to in the previous sentence, shall not be included in determining the total of the area lying within five hundred (500) feet of the property involved in such proposed permit application and the percentages referred to.

### **11.07.02      PERSONS ENTITLED TO INITIATE APPLICATIONS**

An application for a conditional use may only be submitted by the owner or any other person having a contractual interest in the parcel of land proposed for conditional use.

### **11.07.03      STANDARDS FOR REVIEW OF CONDITIONAL USE PERMITS**

A conditional use permit shall be granted only if the applicant demonstrates the following:

#### **A.      CONSISTENCY WITH LOCAL CODE AND COMPREHENSIVE PLAN**

The proposed conditional use is in compliance with all requirements, and is consistent with the general purpose, goals, objectives, and standards of this Code, the St. Lucie County Comprehensive Plan, and the Code of Ordinances of St. Lucie County; and is in compliance with all additional standards imposed on it by the particular provisions of this Code authorizing such use.

#### **B.      EFFECT ON ADJACENT PROPERTIES**

1.      The proposed conditional use will not have an undue adverse effect upon nearby property.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.
3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through building design, site design, landscaping, and screening.
4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.

**C. ADEQUACY OF PUBLIC FACILITIES**

The proposed conditional use will be served by adequate public facilities and services, including roads, police protection, fire protection, solid waste disposal, water, sewer, drainage structures, parks and mass transit.

**D. ADEQUACY OF FIRE PROTECTION**

The applicant for the proposed conditional use has obtained from the St. Lucie County - Fort Pierce Fire Prevention Bureau written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

**E. ENVIRONMENTAL IMPACT**

For developments required to provide an environmental impact report under Section 11.02.09(A)(5), the proposed conditional use will not contravene any applicable provision of the St. Lucie County Comprehensive Plan, or of Chapter VIII, "Natural Environment Analysis", of the St. Lucie County Barrier Island Study Analysis of Growth Management Policy Plan, Kimley-Horn and Associates, Inc. (August 1982).

**11.07.04 CONDITIONS ON CONDITIONAL USE PERMITS**

The Board of County Commissioners shall attach such conditions, limitations, and requirements to a conditional use permit as are necessary to effectuate the purposes of Section 11.07.01; to carry out the spirit and purpose of this Code and the St. Lucie County Comprehensive Plan; and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to limitations on size, intensity of use, bulk and location, landscaping, lighting, the provision of adequate ingress and egress, duration of the permit, and hours of operation. Such conditions shall be set forth expressly in the resolution granting the conditional use permit.

**A. TRAFFIC CONTROL DEVICES**

Whenever, as the result of traffic generated by a proposed conditional use, it is determined, based on the Manual on Uniform Traffic Control Devices, that there is a need to install traffic control devices (including traffic signals, signing, and pavement markings), the conditional use permit shall not be granted except upon the condition that the applicant be responsible for installing all said devices and signs, or making an equitable contribution toward such installation.

**B. ACCESS IMPROVEMENTS**

A conditional use permit shall not be granted except upon the condition that the applicant provide the access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.

**C. PROJECTS REQUIRING OTHER REGULATORY APPROVAL**

1. For proposed conditional uses requiring any permit from the United States Army Corps of Engineers, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or any other state or federal regulatory authority, the Board of County Commissioners shall not grant unconditionally a conditional use permit until it has received from such agency notice of either issuance of or intent to issue the required regulatory permit.
2. The Board of County Commissioners may grant a conditional use permit contingent upon receiving notice of either issuance of or intent to issue any required regulatory permit if it can make, on a tentative basis and subject to confirmation, the findings required in Section 11.07.03(E). A conditional use permit granted contingent upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Board of County Commissioners, after reviewing the regulatory permit application and other information, from revoking such contingent grant of a conditional use permit based solely upon an inability to confirm the findings required in Section 11.07.03(E) or from protesting the regulatory permit application.

**D. REDUCTION IN MAXIMUM RESIDENTIAL DENSITY**

The Board of County Commissioners shall require a reduction from the maximum residential density permitted in the zoning district in which a conditional use is to be located when such allowable maximum residential density:

1. Would impose an excessive burden, as determined by recognized engineering or other professional standards, on public facilities that would serve the proposed conditional use; or
2. Would contravene any applicable provision of the St. Lucie County Comprehensive Plan, or of Chapter VIII, "Natural Environment Analysis", of the St. Lucie County Barrier Island Study Analysis of Growth Management Policy Plan, Kimley-Horn and Associates, Inc. (August, 1982).

**11.07.05 APPLICATION PROCEDURES**

**A. PRE-APPLICATION CONFERENCE**

An application for conditional use is initiated by requesting in writing a pre-application conference with the Community Development Director. The request shall include a description of the character, location and magnitude of the proposed conditional use, together with a proposed timetable for development. The purpose of this meeting is to acquaint the applicant with the requirements of this Code and the views and concerns of the County when positions are flexible. Within twenty (20) days of the request, the Community Development Director shall schedule a

pre-application conference with the applicant and other relevant County departments.

**B. FILING APPLICATION FOR CONDITIONAL USE PERMIT**

**1. Filing**

After the pre-application conference, an applicant for a conditional use permit shall submit an application to the Community Development Director accompanied by a non-refundable fee as established from time to time by the Board of County Commissioners to defray the actual cost of processing the application. If, in accordance with Section 3.01.00, the specific conditional use applied for requires site plan approval, the applicant shall submit a site plan meeting the requirements of Section 11.03.00 of this Code. If, in accordance with Section 3.01.00, the specific conditional use applied for does not require site plan approval, the applicant shall submit a written statement of proposed use including, but not limited to, the nature of the use and the proposed improvements to the site. Conditional use applications shall include a site plan if the proposed use would be located in whole or in part in a one hundred (100) year floodplain or on North or South Hutchinson Island. Applications for conditional use approval shall include such other information or documentation as the Director deems necessary for the full and proper consideration and disposition of the application.

**2. Review by Community Development Director**

- a. Within twenty (20) days after an application for conditional use approval is submitted, the Community Development Director shall determine whether the application is complete. If the Director determines that the application is not complete, he shall send a written statement specifying the deficiencies to the applicant by mail. The Director shall take no further action on the application unless the deficiencies are remedied.
- b. Within thirty (30) days after the Community Development Director determines that an application for conditional use permit is complete, the Director shall review the application, make a report, and notify the Planning and Zoning Commission that the application is ready to review.

**C. HEARING AND ACTION BY PLANNING AND ZONING COMMISSION**

**1. Hearing**

Upon notification that the application for a conditional use permit is ready for review, the Planning and Zoning Commission shall place it on the next regularly scheduled agenda for public hearing in accordance with the provisions of Section 11.00.03. The public hearing held on the application for conditional use shall be in accordance with Section 11.00.04.

**2. Review**

In reviewing the conditional use application, the Planning and Zoning Commission shall consider the report of the Community Development Director; shall determine whether the proposed use meets the standards in Sections 11.07.03, 11.07.04, and 3.01.00 for conditional uses; and shall determine whether the proposed use meets all other provisions

of this Code, the St. Lucie County Comprehensive Plan, and any other applicable County Ordinance. The Planning and Zoning Commission may recommend certain conditions be met before approval of the application.

3. Recommendation

Within a reasonable time of the conclusion of the public hearing, not to exceed thirty (30) days, the Planning and Zoning Commission shall make a recommendation to approve, approve with conditions, or deny the application.

D. HEARING AND ACTION BY BOARD OF COUNTY COMMISSIONERS

1. Hearing

Upon notification of the recommendation of the Planning and Zoning Commission, the Board of County Commissioners shall place the conditional use application on the next regularly scheduled agenda for a public hearing in accordance with the requirements of Section 11.00.03. The public hearing on the application shall be held in accordance with Section 11.00.04.

2. Review

In reviewing the application, the Board of County Commissioners shall consider the report of the Community Development Director and the recommendation of the Planning and Zoning Commission; shall determine whether the proposed use meets the standards in Sections 11.07.03, 11.07.04, and 3.01.00 for conditional uses; and shall determine whether the proposed use meets all other provisions of this Code, the St. Lucie County Comprehensive Plan, and any other applicable County Ordinance. The Board may require certain conditions be met before approval of the application.

3. Action

Within a reasonable time of the conclusion of the public hearing, not to exceed thirty (30) days, the Board of County Commissioners shall approve, approve with conditions, or deny the application for conditional use permit in accordance with Section 11.00.04(E). The decision on the application shall be by resolution setting forth the findings of the Board of County Commissioners and any condition, limitation, or requirement of such decision.

4. Notice of Action

Notification of the Board of County Commissioners' decision shall be mailed to all parties, and the decision shall be filed with the Office of the Community Development Director in accordance with Section 11.00.04(F).

E. DEVELOPMENT AND ADJUSTMENT OF AN APPROVED OR EXISTING CONDITIONAL USE

1. Effect of Issuance of Conditional Use Permit

The issuance of a conditional use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all

other permits and approvals required.

**2. Adjustments to an Approved or Existing Conditional Use**

Adjustments to a conditional use may be permitted as follows:

a. **Minor Adjustments** - The Community Development Director shall authorize minor adjustments to a conditional use. Such minor adjustments shall be consistent with the intent and purpose of the St. Lucie County Comprehensive Plan, this Code, the conditional use as approved or existing, and shall be the minimum necessary. Such minor adjustments shall be limited to the following:

1. altering the bulk of any one (1) structure by not more than twenty-five (25) percent; or,
2. altering the location of any one (1) structure or group of structures by not more than ten (10) feet; or,
3. altering the location of any circulation element by not more than ten (10) feet; or,
4. altering the location of any open space by not more than ten (10) feet; or,
5. reducing the total amount of open space by not more than five (5) percent or reducing the yard area or open space associated with any single structure by not more than five (5) percent; or,
6. altering the location, type, or quality of landscaping elements; or,
7. change in project name or ownership of the property.

Notice of the authorization of such minor adjustments shall be provided to the Board of County Commissioners.

b. **Major Adjustments in Substantial Conformity**

1. Any other adjustment to a conditional use shall be a major adjustment and shall be granted only upon application to and approval by the Board of County Commissioners, which shall grant approval for such other adjustment after a public hearing upon finding that any proposed change in the conditional use as approved or existing will be in substantial conformity with the original approval or the existing conditional use. The Board of County Commissioners shall place the application for major adjustment on the agenda of a regularly scheduled meeting for a public hearing in accordance with the requirements of Section 11.00.03. The public hearing on the application shall be held in accordance with Section 11.00.04.
2. If the Board of County Commissioners determines that the major adjustment is not in substantial conformity with the original approval or the



existing conditional use, then it shall deny the application for adjustment. Such denial shall not preclude development of an approved conditional use.

**3. Inspections During Development of an Approved Conditional Use**

**a. Inspections by Community Development Director**

Following approval of a conditional use, the Community Development Director shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved conditional use and with the approved development schedule, if applicable.

**b. Action by Community Development Director**

If the Community Development Director finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the approved conditional use, he shall notify the Board of County Commissioners of such fact and may, if he finds it necessary for the protection of the public health, safety, or welfare, take such necessary action to stop such non-compliance.

**c. Action by Board of County Commissioners**

Within thirty (30) days following notification by the Community Development Director, the Board of County Commissioners shall determine whether development of the conditional use is proceeding in accordance with the approved conditional use. If the Board of County Commissioners finds the development is not proceeding in accordance with the approved conditional use, it shall either revoke the permit or take the necessary action to compel compliance with the approved conditional use.

**4. Inspections After Development**

**a. Inspection by Community Development Director**

Following completion of the development of a conditional use, the Community Development Director shall review the development as completed and determine if it complies with the approved conditional use.

**b. Action by Community Development Director**

If the Community Development Director finds that the development as completed fails in any respect to comply with the use as approved, he shall immediately notify the Board of County

Commissioners of such fact.

c. Action by Board of County Commissioners

Within thirty (30) days following notification by the Community Development Director, the Board of County Commissioners shall determine whether the completed conditional use fails in any respect to follow the approved conditional use permit. If the Board of County Commissioners finds the completed conditional use fails in any respect to follow the approved conditional use, it shall either revoke the permit or take the necessary action to compel compliance with the conditional use.

F. EXTENSIONS OF CONDITIONAL USE PERMITS

The time limitations imposed on a conditional use permit by Section 11.07.05(l) may be extended by the Board of County Commissioners not more than one (1) time, and for not more than twenty-four (24) months, upon application by the applicant and after a public hearing held in accordance with Section 11.00.04.

G. EXISTING CONDITIONAL USES

A legally conforming use that exists on the effective date of this Code and that is permitted as a conditional use in a zoning district in Section 3.01.03 of this Code shall not be deemed a nonconforming use in that district, but shall without further action be considered a conforming use. A use existing prior to its present classification by this Code as a conditional use may change in use or in lot area or may alter a structure only if the change or alteration conforms with the requirements of Sections 11.07.05(E) and 3.01.03 for conditional uses. Such change or alteration may be accomplished only pursuant to the standards and procedures established for the adjustment of a conditional use as set forth in Section 11.07.05(E).

H. REVOCATION OF CONDITIONAL USE PERMIT

In addition to any other penalty and remedy for violation of this Code, it shall be a condition of every conditional use approval that such approval may be revoked for:

- (1) violation of any condition imposed upon such approval, and
- (2) upon complaint and proof of adverse effect on adjacent properties.

The permit may be revoked only after the Board of County Commissioners holds a public hearing in accordance with Section 11.00.04 unless the permittee consents to a revocation of the permit. If the permittee provides written consent to the revocation to the Community Development Director, the Director shall revoke the permit and notify the Board of County Commissioners of the revocation.

I. EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be valid for the purposes of securing a Building Permit or Certificate of Zoning Compliance for twelve (12) months from the date of approval. Unless a Building Permit

or Certificate of Zoning Compliance is secured within twelve (12) months, and construction subsequently undertaken pursuant to such Building Permit, the conditional use permit shall automatically expire unless the permit is extended upon application to the Board of County Commissioners in accordance with Section 11.00.04.

**J. LIMITATIONS ON APPROVAL FOR CONDITIONAL USES**

A conditional use permit shall be deemed to authorize only the particular use for which it was issued and shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months.

## **11.08.00 DEVELOPMENT AGREEMENTS**

### **11.08.01 STATEMENT OF INTENT**

It is the intent of this Section to set forth the procedures and requirements necessary for St. Lucie County to consider and enter into Development Agreements. It is the further intent of this Section to encourage a strong commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development concurrent with the impacts of development, encourage the efficient use of resources, and reduce the economic cost of development.

### **11.08.02 PROCEDURE FOR REVIEW OF A DEVELOPMENT AGREEMENT**

#### **A. SUBMISSION OF APPLICATION**

An application for a Development Agreement and a proposed Development Agreement shall be submitted to the County Administrator or his designee only by a Qualified Applicant, in conjunction with or separate from any other application for Development Permit, on a form provided by the County and made available to the public. The application shall be accompanied by a non-refundable fee established by the Board of County Commissioners in accordance with Section 11.12.00. The fee shall be non-refundable.

#### **B. DETERMINATION OF COMPLETENESS**

Within fifteen (15) working days of the submission of the application and the proposed Development Agreement, the County Administrator or his designee shall determine whether the application is complete and includes the data necessary to evaluate the application. If it is determined that the application is not complete, written notice shall be served on the applicant specifying the deficiencies. The County Administrator shall take no further action on the application unless the deficiencies are remedied.

#### **C. REVIEW AND RECOMMENDATIONS OF COUNTY DEPARTMENTS**

Within twenty (20) working days of a determination that an application is complete, County staff shall prepare and file with the County Administrator a County staff report and recommendation on the application and proposed Development Agreement.

#### **D. REVIEW AND RECOMMENDATION BY COUNTY ADMINISTRATOR**

Within ten (10) working days after receiving County staff comments, the County Administrator shall review the application and the proposed Development Agreement, and provide a report and recommendation to the Board of County Commissioners as to whether the application and proposed Development Agreement comply with the standards of Section 11.08.03.

#### **E. DECISION BY BOARD OF COUNTY COMMISSIONERS**

##### **1. Two (2) Public Hearings**

After the County Administrator has made a recommendation on the application and proposed Development Agreement, the application and proposed Development Agreement

shall be considered at two (2) public hearings by the Board of County Commissioners and approved, approved with conditions, or denied. The day, time and place of the second public hearing shall be announced at the first public hearing.

2. Notice

a. General Requirement

Notice of intent to consider the application and proposed Development Agreement shall be advertised by the applicant publishing an advertisement approximately seven (7) days before each public hearing on the application in a newspaper of general circulation and readership in S. Lucie County. Notice of intent to consider the application and proposed Development Agreement shall also be mailed by the Community Development Director at least fifteen (15) days prior to the first hearing on the application to all owners of property, as reflected on the current year's tax roll, lying within five hundred (500) feet of the property directly affected by the application and proposed Development Agreement.

b. Form

The form of the notices of intention to consider adoption of a Development Agreement shall specify:

1. Time and Place

The time and place of each hearing on the application;

2. Location

The location of the land subject to the proposed Development Agreement;

3. Uses and Intensities

The development uses proposed on the property, including the proposed population densities and proposed building intensities and height;

4. Where Copy Can Be Obtained

Instructions for obtaining further information regarding the application and proposed Development Agreement can be obtained.

3. Decision

At the conclusion of the second public hearing, and based upon consideration of the application and the proposed Development Agreement, the recommendation of the County Administrator, and public testimony received during the public hearing, the Board of County Commissioners shall approve, approve with conditions, or deny the proposed Development Agreement based upon whether it complies with the standards in Section 11.08.03.

### **11.08.03 STANDARDS OF A DEVELOPMENT AGREEMENT**

#### **A. MANDATORY PROVISIONS**

A Development Agreement shall, at a minimum, include the following provisions:

**1. Legal Description and Owner**

A legal description of the land subject to the Development Agreement and the names of the legal and equitable owners.

**2. Duration**

The duration of the Development Agreement, which shall not exceed ten (10) years.

**3. Uses, Densities, Intensities and Height**

The development uses permitted on the land including population densities, and building intensities and height.

**4. Future Land Use Map Designation**

The land use designation of the property under the Future Land Use Element of St. Lucie County Comprehensive Plan.

**5. Zoning**

The current zoning of the land subject to the Development Agreement.

**6. Conceptual Site Plan**

A conceptual site plan indicating phases if the development is subject to phasing.

**7. Public Facility Adequacy**

A description of public facilities that will service the development, including who shall provide such facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impact of the development. Any public facilities to be designed and/or constructed by the developer shall be in compliance with all applicable Federal, State and County standards to ensure the quality of the public facilities. The standards shall include, but not be limited to, guarantees of performance and quality, and project controls (including scheduling, quality controls, and quality assurances).

**8. Reservation or Dedication of Land**

A description of any reservations or dedications of land for public purposes.

9. Local Development Permits

A description of all local Development Permits approved or needed to be approved for the development of the land specifically, to include at least the following:

- a. Any required Comprehensive Plan amendments.
- b. Any required rezoning.
- c. Any required submission to the Treasure Coast Regional Planning Council or to the Florida Department of Community Affairs.
- d. Any required permits from the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the South Florida Water Management District, the United States Environmental Protection Agency and other governmental permissions that are required.
- e. A subdivision plat approval.
- f. Any Final Development Order authorizing construction in accordance with the provisions of the adequate public facilities regulations in Chapter V.
- g. Site plan approval and agreement that in the event that a site plan is required by the this Code, all the requirements of the site plan process shall be met prior to development.

10. Local Development Permits Obtained by Applicant/Property Owner

The Development Agreement shall specifically provide that all local Development Permits identified in Section 11.08.03(A)(9) shall be obtained at the sole cost of the applicant/property owner and, that in the event that any such local Development Permits are not received, no further development of the property shall be allowed until such time as the St. Lucie County Board of County Commissioners has reviewed the matter and determined whether or not to terminate the Development Agreement, or to modify it in a manner consistent with the public interest and the St. Lucie County Comprehensive Plan.

11. Consistency with Comprehensive Plan

A finding that the development permitted or proposed in the Development Agreement is consistent with the St. Lucie County Comprehensive Plan. No Development Agreement shall be effective or implemented by the Board of County Commissioners unless the Comprehensive Plan provisions or amendments to the Comprehensive Plan implementing or related to the Agreement are found in compliance by the State Land Planning Agency in accordance with Section 163.3184, Section 163.3187 and Section 163.3189, Florida Statutes.

12. Consistency with Land Development Code

A finding that the development permitted or proposed in the Development Agreement is consistent with this Code.

13. Compliance with laws not identified in Development Agreement

A statement indicating that failure of the Development Agreement to address a particular permit, condition, term or restriction shall not relieve the applicant/property owner of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions, and that any matter or thing required to be done under existing ordinances of St. Lucie County shall not be otherwise amended, modified or waived unless such modification, amendment or waiver is expressly provided for in the Development Agreement with specific reference to the code provisions so waived, modified or amended; and

14. Conditions Necessary to Protect Health, Safety, Welfare

Such conditions, terms, restrictions, or other requirements determined to be necessary by St. Lucie County for the public health, safety, or welfare of its citizens.

**11.08.04 EXECUTION OF DEVELOPMENT AGREEMENT**

A Development Agreement shall be executed by all persons having legal or equitable title in the subject property, including the fee simple owner and any mortgagees, unless the County Attorney approves the execution of the Development Agreement without the necessity of such joinder or subordination based on a determination that the substantial interests of the County will not be adversely affected thereby. A Development Agreement is determined to be a legislative act of the County in the furtherance of its powers to plan, zone and regulate development within its boundaries and, as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the subject property and the Development Agreement, and the obligations and responsibilities arising thereunder on the property owner shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of the Development Agreement.

**11.08.05 AMENDMENT AND CANCELLATION OF AGREEMENT BY MUTUAL CONSENT**

A Development Agreement may be amended or canceled by mutual consent of the parties to the Agreement or by their successors in interest. Prior to amending a Development Agreement, the Board of County Commissioners shall hold two public hearings on the proposed amendment, consistent with the requirements of Section 11.08.02.

**11.08.06 TERM**

The term of a Development Agreement shall not exceed ten (10) years or such time as the Act may provide. A Development Agreement may be extended by mutual consent of the Board of County Commissioners and the developer, subject to public hearings in accordance with Section 11.08.02. The term of any one (1) extension shall not exceed five (5) years or such time as the Act may provide.

**11.08.07 RECORDATION AND EFFECTIVENESS**

Within fourteen (14) days after St. Lucie County enters into the Development Agreement, the Clerk to the Board of County Commissioners shall record the agreement in the Public Records of St. Lucie County. A copy of the recorded Development Agreement shall be submitted to the State of Florida Department of



Community Affairs within fourteen (14) days after the Agreement is recorded. If the Agreement is amended, canceled, modified, extended, or revoked, the Clerk shall have notice of such action recorded in the public records and such recorded notice shall be submitted to the Department of Community Affairs. A copy of all Development Agreements shall be kept by the Clerk in a separate book in the Clerk's Official Records Division located at the St. Lucie County Courthouse.

A Development Agreement shall not be deemed to be effective until it has been recorded in the public records of St. Lucie County and until 30 days after having been received by the State Land Planning Agency.

#### **11.08.08 PERIODIC REVIEW**

##### **A. ANNUAL REVIEW**

The County shall review the development subject to the Development Agreement every twelve (12) months, commencing twelve (12) months after the effective date of the Agreement.

##### **B. NOTICE**

The County shall begin the review process by giving notice to the developer that the County intends to undertake a periodic review of the Development Agreement.

##### **C. COMPLIANCE**

If the County finds and determines that the developer has complied in good faith with the terms and conditions of the Development Agreement during the period under review, the review for that period is concluded.

##### **D. FAILURE TO COMPLY**

If the County makes a preliminary finding that there has been a failure to comply with the terms of the Development Agreement, the Board of County Commissioners shall conduct two (2) public hearings pursuant to requirements of Section 11.08.02 at which the developer may demonstrate good faith compliance with the terms of the Development Agreement. If the Board of County Commissioners finds and determines on the basis of substantial competent evidence that the developer has not complied in good faith with the terms and conditions of the Development Agreement during the period under review, the Board of County Commissioners may modify or revoke the Agreement.

#### **11.08.09 EFFECT OF CONTRARY STATE OR FEDERAL LAWS**

In the event that state and federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties compliance with the terms of the Development Agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws, such modification or revocation to take place only after the notice and public hearing provisions provided for the adoption of a Development Agreement in Section 11.08.02 have been complied with.

#### **11.08.10 ENFORCEMENT**

Any party or any aggrieved or adversely affected person may file an action for injunctive relief in the Circuit

**Court for St. Lucie County to enforce the terms of a Development Agreement or to challenge compliance of the Development Agreement with the provisions of this Section and Section 163.3220, Fla. Stat.**

## **11.09.00 VESTED RIGHTS**

### **11.09.01 INTENT**

It is the intent of this Section to set forth the regulations necessary to implement an Official Zoning Map that is consistent with the Future Land Use Element of the St. Lucie County Comprehensive Plan and that implements this Code. The regulations provide the process for the comprehensive rezoning of St. Lucie County in accordance with the mandate of Section 163.3182, et.seq., Florida Statutes (1989). Recognizing the impact of this process on the citizens of St. Lucie County, it is a fundamental objective of this Section to provide for effective public participation in the Zoning Conformance process. In the preparation and amendment of the proposed Official Zoning Map, it is intended that County staff recognize, to the extent feasible, existing zoning and land uses that are consistent with the Future Land Use Map of the St. Lucie County Comprehensive Plan. It is the further intent of this Section to provide separate processes for the determination of vested rights.

### **11.09.02 ZONING CONFORMANCE**

#### **A. CONSISTENCY MATRIX**

The Consistency Matrix, set forth as Table 11.1, shall be used to determine consistency of the existing zoning districts in the Zoning Code with the Future Land Use Element of the St. Lucie County Comprehensive Plan. Any zoning district that is not consistent with the Future Land Use Map of the St. Lucie County Comprehensive Plan according to the Consistency Matrix, shall not be applied for, permitted, or approved. All requests for changes in zoning districts shall also be required to meet the standards of review set out in this Code as determined by the Board of County Commissioners that are consistent with the Future Land Use Element of the St. Lucie County Comprehensive Plan.

#### **B. COMPREHENSIVE REZONING REQUIRED**

Any zoning district that is inconsistent with the St. Lucie Comprehensive Plan shall be subject to a comprehensive zoning district amendment (rezoning) in order to bring it into compliance with the St. Lucie Comprehensive Plan.

#### **C. NOTICE OF ZONING CONFORMANCE**

Notice of the public hearings for the comprehensive rezoning shall be published in accordance with Section 125.66(5)(b), Florida Statutes (1989).

TABLE 11-1

ST. LUCIE COUNTY  
LAND USE CATEGORY/ZONING DISTRICT  
COMPATIBILITY CHART

LAND USE CATEGORY	ZONING DISTRICT															
	AG-5	AG-2.5	AG-1	R/C	AR-1	RE-1	RE-2	RS-2	RS-3	RS-4	RM-5	RMH-5	RM-7	RM-9	RM-11	RM-15
AG-5	X															
AG-2.5	X	X														
AG-1	X	X	X													
RE	X	X	X	X	X											
RS	X	X	X	X	X	X	X	X								
RU			X	X	X	X	X	X	X	X	X	X				
RM			X	X	X	X	X	X	X	X	X	X	X	X		
RH				X			X	X	X	X	X	X	X	X	X	X
R/	X			X												
Cpub																
COM	X	X	X													
IND	X	X	X													
P/F	X	X	X	X												
T/U	X	X	X	X												
MXD	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SD	X	X	X	X												
HIST	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
AG-5	X <sup>1</sup>	X <sup>1</sup>				X	X	X	X		X	X	X			

TABLE 11-1

ST. LUCIE COUNTY  
LAND USE CATEGORY/ZONING DISTRICT  
COMPATIBILITY CHART

LAND USE CATEGORY	ZONING DISTRICT													
	AG-5	AG-2.5	AG-1	R/C	AR-1	RE-1	RE-2	RS-2	RS-3	RS-4	RM-5	RMH-5	RM-7	RM-9
AG-2.5	X <sup>1</sup>	X <sup>1</sup>				X	X	X	X			X	X	
AG-1	X <sup>1</sup>	X <sup>1</sup>				X	X	X	X			X	X	
RE	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X
RS	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X
RU	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X
RM	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X
RH	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X
R/C							X <sup>1</sup>	X	X		X	X	X	X
Cpub							X <sup>1</sup>	X	X					
COM	X		X			X	X	X	X	X	X		X	X
IND			X	X	X	X	X	X	X				X	X
P/F							X	X	X	X		X		X
T/U			X	X	X	X	X	X	X				X	X
MXD	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
SD							X	X	X			X	X	X
HIST	X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>				X <sup>1</sup>	X	X		X	X	X	X

**TABLE 11-1**

**ST. LUCIE COUNTY  
LAND USE CATEGORY/ZONING DISTRICT  
COMPATIBILITY CHART**

LAND USE CATEGORY	ZONING DISTRICT														
	AG-5	AG-2.5	AG-1	R/C	AR-1	RE-1	RE-2	RS-2	RS-3	RS-4	RM-5	RMH-5	RM-7	RM-9	RM-11

**Notes:**  
 1: Limited to a maximum of 10 acres per parcel  
 2: See Future Land Use Element of the St. Lucie County Comprehensive Plan for zoning restrictions/options.

### **11.09.03 VESTED RIGHTS**

#### **A. INTRODUCTION**

In recognition of the fact that certain land development rights of property owners may be vested with respect to the St. Lucie County Comprehensive Plan and this Code, this Section sets forth a procedure for the determination of vested rights. Any person claiming vested rights to develop property shall make application for a Vested Rights Special Use Permit pursuant to this Section.

#### **B. DETERMINATION OF VESTED RIGHTS**

1. An application for a Vested Rights Special Use Permit shall be approved and a Vested Rights Special Use Permit issued if an applicant has demonstrated rights that are vested under the standards of Section 11.09.03.D. Possession of a Vested Rights Special Use Permit shall enable a permittee to complete the development approved under such permit up to and through issuance of appropriate certificates of occupancy, subject to the limitations set forth in Section 11.09.03.F and subject to compliance with such laws and regulations against which the development is not vested.
2. An application for Vested Rights Special Use Permit may be submitted to the Community Development Director after the effective date of this Code.
3. An application for a Vested Rights Special Use Permit shall be filed by August 1, 1991. Except as provided in subsection 4 below, failure to file an application within the required period will constitute an abandonment of any claim to vested rights. Judicial relief will not be available unless administrative remedies set forth in this Section are exhausted, including the appeal of a vested rights determination to the Board of County Commissioners.
4. Notwithstanding the provisions of subsection 3, above, the Board of County Commissioners may, in extraordinary circumstances, allow a property owner to submit an application after the one (1) year deadline where such extension is necessary to avoid undue hardship to the property owner.

#### **C. APPLICATION FOR A VESTED RIGHTS SPECIAL USE PERMIT**

An application for Vested Rights Special Use Permit shall be submitted to the Community Development Director on forms provided by the Director. After receipt of the application, the Director shall determine whether it is complete within ten (10) working days. Insufficient applications shall be returned to the applicant specifying the deficiencies. The Director shall take no further action on the application unless the deficiencies are remedied.

Within twenty (20) working days after receipt of a completed application for a Vested Rights Special Use Permit, the Community Development Director shall review and evaluate the application in light of all of the criteria in this Section. Based on the criteria, the Director shall approve, approve with conditions or deny the application for Vested Rights Special Use Permit. The determination shall be in writing and shall include findings of fact for each of the applicable criteria.

#### **D. STANDARDS FOR VESTED RIGHTS**

An application for a Vested Rights Special Use Permit shall be approved if the applicant has demonstrated all of the following:

1. The applicant:
  - a. As to vesting for the Comprehensive Plan, owned the property proposed for development on January 9, 1990, St. Lucie Comprehensive Plan;
  - b. As to vesting for this Code adopted to implement the Comprehensive Plan, owned the property on August 1, 1990;
  - c. As to vesting for any Comprehensive Plan amendments adopted to implement the provisions of the proposed Compliance Agreement between St. Lucie County and D.C.A. approved by the Board of County Commissioners on XX, (the "Compliance Agreement") owned the property prior to the date of such amendment; or
  - d. Entered into a contract or option to purchase the property on or before such date; or
  - e. Presents facts such that it would be inequitable, unjust or fundamentally unfair to deny an application for a Vested Rights Special Use Permit where the applicant acquired ownership after such date; and
2. There was a valid, unexpired act of an agency or authority of St. Lucie County other than an existing future land use map designation or an existing zoning designation upon which the applicant reasonably relied in good faith; and
3. The applicant, in reliance upon the valid, unexpired act of government, has made a substantial change in position or has incurred extensive obligations or expenses; and
4. It would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the applicant. In making this determination, St. Lucie County shall consider a number of factors, including but not limited to:
  - a. Whether construction or other development activity has commenced and is continuing in good faith.
  - b. Whether the expense or obligation incurred cannot be substantially utilized for a development permitted by the St. Lucie County Comprehensive Plan and Code.
5. The following are not considered development expenditures or obligations in and of themselves:
  - a. Expenditures for legal and other professional services that are not related to the design or construction of improvements.
  - b. Taxes paid.
  - c. Expenditures for acquisition or the financing costs of the land.



**E. PRESUMPTIVE VESTING**

**1. Final Development Orders:**

- a. Notwithstanding the criteria set forth in Section 11.09.03(C) above, possession of a valid unexpired Final Development Order shall presumptively vest the development approved under such permit:
  - 1. for the purposes of the Comprehensive Plan if the Final Development Order was issued prior to January 9, 1990;
  - 2. for purposes of this Code adopted to implement the Plan and the adequate public facilities regulations in Chapter V if the Final Development Order was issued prior to August 1, 1990; and,
  - 3. for purposes of any Comprehensive Plan amendments adopted pursuant to a Compliance Agreement if the final development order was issued prior to such amendments.
- b. Such valid approvals or permits shall, in and of themselves, constitute sufficient evidence of compliance with the standards set forth in Section 11.09.03(D). Verification of such approvals or permits shall be made by the Community Development Director. If verified, the Director shall issue the Vested Rights Special Use Permit.

**2. Building Permit Applications for a Single-Family Residence on a Lot of Record:**

Building Permit applications for a single-family residence on a lot of record shall be presumptively vested from the provisions of the Comprehensive Plan, the Land Development Code and the adequate public facilities regulations in Chapter V. A Building Permit application for a single-family residence on a lot of record shall not be subject to the limitations set out in Section 11.09.03(F).

**3. Developments of Regional Impact Adopted on or Before August 1, 1990:**

- a. Any lawfully issued and effective Final Development Order for a Development of Regional Impact adopted on or before August 1, 1990, shall automatically qualify for a Vested Rights Special Use Permit unless the Development Order:
  - 1. indicates otherwise;
  - 2. expires according to its terms;
  - 3. has not expired according to its terms and construction authorized by the Development Order has not commenced within five (5) years of the adoption date of the development order; or,
  - 4. fails to address an issue listed in the Development Order, in which event the provisions of the Comprehensive Plan and this Code shall apply only to that issue that was not addressed but shall not apply to other issues

specifically addressed in the Development Order; or,

5. is invalidated in whole or in part.

- b. In lieu of Section 11.09.03(F)(1) and (2) below, such vesting shall continue until development approved in the Development Order is complete or until the development order has expired or is invalidated. Any substantial deviation after August 1, 1990, shall cause those development rights that are the subject of such deviation to become subject to the Comprehensive Plan and this Code.
- c. The approved Final Development Order for a Development of Regional Impact shall, in and of itself, constitute sufficient evidence of compliance with the standards set forth in Section 11.09.03(D). Verification of such approvals or permits shall be made by the Community Development Director. If verified, the Director shall issue the Vested Rights Special Use Permit.

#### **F. LIMITATIONS ON DETERMINATION OF VESTED RIGHTS**

- 1. Upon the expiration of five (5) years after the issuance of a Vested Rights Special Use Permit, the issuance of development permits for the property subject to the Vested Rights Special Use Permit shall be subject to the requirements of all current regulations. The foregoing, the Vested Rights Special Use Permit may set forth an extension of the five (5) year period upon a finding by the Community Development Director or the Board of County Commissioners of the necessity for an extension of such time period.
- 2. Commencing with the expiration of two (2) years after the issuance of a Vested Rights Special Use Permit, an annual report shall be submitted to the Community Development Director by the developer or owner of the subject property. Annual reports shall be submitted on forms provided by the Director and shall be due on each annual recurrence of the permit issuance date. The annual report shall evidence that development has commenced and is continuing in good faith. Significant physical development or receipt by the applicant of one or more of the following types of permits or approvals in each reporting year shall constitute sufficient evidence for the subject year:
  - a. Building Permit;
  - b. Site Plan Approval or not more than one renewal of each Site Plan Approval;
  - c. Final Plan Approval for a Planned Development;
  - d. Final Plat Approval;
  - e. Such other permits or approvals as shall evidence that development has commenced and is continuing in good faith.

Failure to proceed with significant physical development activity or to obtain one of the foregoing approvals or permits in any reporting year, or failure to file an annual report when due, shall cause the development subject to the Vested Rights Special Use Permit to become subject to the requirements of the adequate public facilities regulations in Chapter V. A determination by the Community Development Director of a permittee's failure to

proceed may be appealed to the County Administrator. In addition, the Administrator may grant an extension of time to file the required annual report upon a showing by the applicant, or successor, that strict enforcement would cause undue hardship because of circumstances beyond the applicant's or successor's control. Requests for extensions shall be submitted to the Administrator thirty (30) days prior to the due date for the annual report.

3. All development subject to a Vested Rights Special Use Permit must be consistent with the terms of the Development Order upon which the Vested Rights Special Use Permit was based. Any substantial deviation from a prior approval, except a deviation required by governmental action, shall cause the development involved to be subject to the policies and implementing decisions and regulations set forth in all current regulations. The Community Development Director shall determine whether a proposed change is a substantial deviation in light of the following criteria:
  - a. Any change in use or intensity of use that would increase the development's impacts on those public facilities subject to Chapter V by more than five (5) percent shall be presumed to be a substantial deviation.
  - b. Any change in access to the project that would increase the development's transportation impacts by more than five (5) percent on any road subject to Chapter V shall be presumed to be a substantial deviation unless the access change would result in an overall improvement to the transportation network.
  - c. A Vested Rights Special Use Permit shall apply to the land and is therefore transferrable from owner to owner of the land subject to the permit.
  - d. Anything in this Section to the contrary notwithstanding, a Vested Rights Special Use Permit may be revoked upon a showing by the County of a peril to public health, safety or general welfare of the residents of St. Lucie County unknown at the time of approval.

## **11.10.00 RIGHT OF WAY ABANDONMENT AND PLAT VACATION PROCEDURES**

### **11.10.01 AUTHORITY AND APPLICABILITY**

- A. Any dedication or conveyance of real property for the purpose of streets, rights-of-way, access, ingress and egress, utilities and drainage which has been made on or by a plat, easement, deed, or other instrument of any kind which instruments have been approved by the Board of County Commissioners for filing of record in the public records of the County or which instruments conveys any interest in real property to the Board of County Commissioners is hereby deemed to be under the jurisdiction and control of the Board of County Commissioners for the purposes of the vacation, annulment and/or abandonment of plats, or portions thereof, rights-of-way, and easements for utility and drainage purposes.
- B. The provisions of this Section shall apply to all plats, rights-of-way and easements under the jurisdiction and control of the Board of County Commissioners.
- C. The procedures set forth in this Section shall apply to applications pursuant to Section 177.101(1) and (2), Florida Statutes, and to all applications for vacating plats, or any portion thereof, including public easements, pursuant to Section 177.101(3), Florida Statutes. Any petition to vacate a plat, or portion thereof, which plat, or portion thereof, contains private rights-of-way shall not require a public hearing; provided, however, that a public hearing shall be required if the petition site includes a County right-of-way or public easement for drainage purposes which services a County right-of-way.

### **11.10.02 PETITIONERS**

#### **A. PETITIONERS FOR ABANDONMENT OF PLATS**

Any person, governmental entity or business entity desiring to abandon a plat, or any portion thereof, including public easements, shall be required to make application to the County pursuant to Section 177.101, Florida Statutes, and the provisions of this Section. The application shall be on the petition form prescribed by the County Engineer and the information contained therein shall be verified by the petitioner under oath. Unless initiated by the County, the petition shall be signed by all owners of any portion of the petition site.

#### **B. PETITIONS FOR ABANDONMENT OF RIGHTS-OF-WAY**

Any person, governmental entity or business entity desiring to abandon the public's interest in and to any right-of-way shall be required to make application to the County pursuant to this Section. The application shall be on the petition form prescribed by the County Engineer and the information contained therein shall be verified by the petitioner under oath. Unless initiated by the County, any petition for abandonment of rights-of-way shall be signed by all owners of abutting property.

#### **C. FEES**

The application fee shall be determined in accordance with Section 11.12.00.

**D. EXCEPTION TO FEES DUE**

The application fee may not apply when the petitioner will convey necessary real property for County rights-of-way designated on the County Thoroughfare Network Right-of-Way Protection plan, which is equal to, or more than, the total square footage to be abandoned, as determined by the Board of County Commissioners.

**11.10.03 ACCESS TO WATER**

No right-of-way, road, street, or public accessway giving access to any publicly accessible waters in the County, shall be closed, vacated or abandoned except in those instances wherein the petitioner(s) offers to trade or give to the County comparable land or lands for a right-of-way, road, street or public accessway to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the Board of County Commissioners.

**11.10.04 NOTICE OF INTENT TO FILE PETITION TO VACATE A PLAT**

Immediately prior to filing the petition to vacate a plat with the County Engineer, the petitioner shall cause to be published a notice of intent in a newspaper of general circulation in the County once weekly for two (2) consecutive weeks. Such notice of intent shall state the intent of the petitioner to file a petition pursuant to this Section and in Chapter 177, Florida Statutes.

**11.10.05 PETITION APPLICATION PROCEDURES**

In addition to any other required information , the petition shall contain the following:

**A. LEGAL DESCRIPTION OF PETITION SITE**

A complete and accurate legal description of the petition site.

**B. TYPE OF PETITION**

A statement identifying the type of petition as being for abandonment of:

1. A plat;
2. A portion of a plat;
3. A County right-of-way;
4. The public's interest in a private right-of-way; or
5. A public easement.

The statement shall identify the source of the County's or public's interest, together with a reference to the recording information for same, in and to the petition site.

**C. LOCATION MAP**

A drawing measuring not less than eight (8) inches by fourteen (14) inches and no larger than eleven (11) inches by seventeen (17) inches which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way, excluding the petition site, and all affected properties. The location map may be located on the survey in a separate block.

**D. ACCESS TO AFFECTED PROPERTY**

The petition shall contain a statement that to the best of the petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

**E. FEDERAL OR STATE HIGHWAY STATEMENT**

The petitioner shall certify that the petition site, or any portion thereof, is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes.

**F. EVIDENCE OF TITLE**

The petition shall state the source of petitioner's ownership or interest in and to the petition site, and a reference to the recording information for same. A copy of the source instrument shall be certified by the Clerk of the Circuit Court and attached to the petition.

**G. EVIDENCE OF TAXES PAID**

The petition shall state that all state, municipal and County taxes on the petition site have been paid. The certificate(s) of the Tax Collector's office showing payment of same (as payment is defined in Section 177.101(4), Florida Statutes) shall be attached to the petition. If the petition site or any portion thereof is tax-exempt, the petition shall so state and a copy of the tax roll from the Tax Collector's office which shows such exemption shall be attached to the petition.

**H. MUNICIPAL RESOLUTION**

The petition shall state whether the petition site lies within the corporate limits of a municipality, within the unincorporated area, or both. If any portion of the petition site lies within the corporate limits of a municipality, the municipality shall first abandon its interest in the petition site by appropriate resolution, and a certified copy of the municipal resolution shall be attached to the petition.

**I. FEES**

The petition shall state whether the petition site is subject to the application fee, the amount of the fee, and that the fee is submitted therewith.

**J. JUSTIFICATION**

The petition shall detail the relevant reasons in support of the request and granting of the petition.

**11.10.06 REVIEW OF PETITION**

**A. REVIEW AND NOTIFICATION**

Each petition shall be reviewed by the County Engineer, the Community Development Director, and any governmental agency or affected County department. Upon receipt, the County Engineer shall distribute the petition to the reviewing departments and agencies. Within twenty (20) days of receipt of the petition, the reviewing department and agencies shall submit a written report containing its findings and recommendations to the County Engineer. Upon receipt of all written reports, the County Engineer shall review the petition and reports and shall notify the petitioner in writing of any reasonable conditions to be performed prior to forwarding the petition and reports pursuant to paragraph (B) below. Within sixty (60) days of receipt of the County Engineer's notification, the petitioner shall either comply with, agree and commit in writing to the conditions, or disagree in writing to the conditions. Failure to respond to the County Engineer's notification may result in a recommendation to deny the petition by the County Engineer.

**B. REVIEW OF BOARD OF COUNTY COMMISSIONERS**

After expiration of the sixty (60) day period above or sooner, if conditions are not imposed, or, if imposed, are responded to by the petitioner in the manner set forth above, the County Engineer shall forward the petition together with his findings and recommendations of same to the Board of County Commissioners for their review in accordance with this Section. The County Engineer shall set the petition for public hearing in accordance with Section 11.10.07 unless the petition is not subject to a public hearing. If a public hearing is not required, upon its review the Board shall adopt a resolution either approving or denying the petition. The Board may reject a petition if a petition covering the same lands had been considered at any time within six (6) months of the date the later petition is submitted.

**C. SEARCH AND INVESTIGATIONS**

1. Searching the Official Records of the Clerk of the Circuit Court and any other records in and for the County; or
2. Any other investigation to determine the truth and accuracy of the statements and information contained in the petition and any attachments thereto.

**11.10.07 PUBLIC HEARING OF PETITIONS FOR ABANDONMENT OF COUNTY RIGHTS-OF-WAY AND PUBLIC EASEMENTS FOR DRAINAGE OF COUNTY RIGHTS-OF-WAY**

**A. GENERALLY**

Pursuant to Section 336.10, Florida Statutes, a public hearing shall be held for any petition for abandonment which affects County right-of-way and public easements for drainage which service a County right-of-way.

**B. TIME AND PLACE OF HEARING**

The Board of County Commissioners hereby exercises their authority, as set forth in Section 336.09, Florida Statutes, by authorizing and directing the County Engineer to establish a definite time and place to hold the public hearing required by Section 336.10, Florida Statutes and this Section and to publish the notice of the hearing.

**C. PUBLICATION OF NOTICE OF PUBLIC HEARING**

Advertisement of such public hearing shall be as set forth in Sections 11.00.03.

**D. POSTING OF NOTICE OF PUBLIC HEARING**

The County Engineer shall notify the petitioner of the date and time of the public hearing and shall direct the petitioner to post the property with a notice of petition to vacate. The petitioner shall place the notice in a conspicuous and easily visible location, abutting a public thoroughfare when possible, on the subject property at least ten (10) days prior to the public hearing.

**E. MAILING OF NOTICE OF PUBLIC HEARING**

The County Engineer shall mail a copy of the notice of public hearing to all affected property owners as described in Section 11.00.03.

**F. NOTICE OF ADOPTION OF RESOLUTION**

If the Board of County Commissioners shall, by resolution, grant the petition, notice thereof shall be published one (1) time within thirty (30) days following the date of adoption of such resolution in a newspaper of general circulation published in the County. The proof of publication of the notice of public hearing, and the proof of publication of the notice of the adoption of the resolution, and a copy of the resolution shall be recorded in the public records.

**11.10.08 RECORDATION OF RESOLUTION**

Upon adoption of a resolution approving a petition, a certified copy of same shall be filed in the public records in accordance with Section 177.101 or Section 336.10, Florida Statutes, whichever is applicable.

**11.10.09 EFFECT OF RECORDING RESOLUTION OF ABANDONMENT**

- A. For County rights-of-way, upon the recordation of the proof of publication of notice of public hearing, proof of publication of the notice of adoption of the resolution, and a copy of the resolution in the public records, the interest of the right-of-way so closed shall be vested in accordance with provisions of Section 336.12, Florida Statutes.
- B. For plats, or portions thereof, recordation in the public records of resolutions approving abandonment of a plat or a portion thereof shall have the effect of vacating all streets and alleys in accordance with Section 177.101(5), Florida Statutes, and shall either return the vacated property to the status of unplatted acreage or shall vacate the first plat in accordance with Section 177.101(1) or (2), Florida Statutes, as applicable.



## **11.11.00 APPEALS**

### **11.11.01 GENERALLY**

#### **A. PERSONS ENTITLED TO INITIATE APPEAL**

An appeal may be initiated by any person, officer, board, or bureau of St. Lucie County aggrieved by any order, decision, determination, or interpretation of any administrative official of the County with respect to the provisions of this Code.

#### **B. AUTHORITY**

Appeals of any order, determination, decision, or interpretation by any administrative official shall be heard and decided by one of the following appellate boards or officers:

##### **1. Appeals to the Environmental Control Board**

Appeals of decisions by any administrative official with respect to the permitting provisions shall be heard and decided by the Environmental Control Board, subject to the standards and procedures hereinafter set forth:

- a. Sea Turtle Protection (Section 6.04.02)
- b. Coastal Area Protection (Section 6.02.01)
- c. Wastewater & Sewage Disposal Compliance (Sections 7.08.03 and 11.05.09)
- d. Wetlands Protection (Section 6.02.03)
- e. Native Upland Habitat Protection (Section 6.04.01)

##### **2. Appeals to the County Administrator**

Appeals of decisions by any administrative officer with respect to the following provisions shall be heard and decided by the County Administrator; subject to the standards and procedures hereinafter set forth:

- a. Adequate Public Facilities (Chapter V)
- b. Determination of Required Vegetation Mitigation (Section 11.05.06(F)(2)(g))
- c. Development Agreements (Section 11.08.00)
- d. Vested Rights (Section 11.09.00)

##### **3. Appeals to the Board of Adjustment**

Appeals of decisions by any administrative official with respect any of the provisions of this Code except those enumerated in paragraphs 1 and 2 above shall be heard and decided by the Board of Adjustment, subject to the standards and procedures hereinafter set forth.

## **11.11.02 APPEALS PROCEDURE**

### **A. PROCEDURES**

A notice of appeal must be filed with the Community Development Director, within thirty (30) days of the rendition of such order, decision, determination, or interpretation subject to an appeal, specifying the grounds for the appeal. Upon receipt of the Notice of Appeal, the Community Development Director shall prepare the record for appeal, notify the Appellate Board or Officer of the Notice of Appeal and establish a time and place at which time the Appellate Board or officer will hear the appeal.

### **B. EFFECT OF FILING AN APPEAL**

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Community Development Director certifies to the Appellate Board or Officer that by reason of certain facts, a stay would pose an imminent peril to life or property; in such case the appeal will not stay further proceedings except by a restraining order.

### **C. RECORD**

The record to be considered on appeal shall be all written materials considered during the initial decision, any additional written material submitted by the appellant to the County, and any testimony considered on the hearing of the appeal.

### **D. HEARING**

1. The Appellate Board or Officer shall hold a hearing on the appeal within a reasonable time after a notice of appeal is filed. Appeal hearings by the Board of Adjustment shall conform to the procedures in Sections 11.00.03 and 11.00.04. Appeal hearings by the County Administrator and the Environmental Control Board shall not be subject to the formal notice and advertisement requirements set out in Sections 11.00.03 and 11.00.04. The appellant shall be notified by the Community Development Director of the time, date and place of the public hearing by certified mail, return receipt requested. The Board or Officer shall reverse the order, decision, determination, or interpretation only if there is substantial competent evidence in the record that an error was made in the decision being appealed from that fails to comply with the requirements of this Code. In so modifying such decision, the Board or Officer shall be deemed to have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
2. The decision of the Appellate Board or Officer shall be mailed to all parties and by the Community Development Director, in accordance with Section 11.00.04(F).

### **E. APPEALS OF DECISIONS OF COUNTY ADMINISTRATOR**

An applicant may appeal any appellate decision made by the County Administrator to the Board of County Commissioners by filing a petition of appeal within thirty (30) calendar days of the date of the rendition of the decision. The Board of County Commissioners shall review the petition at a public meeting within thirty (30) calendar days from the date of appeal of said decision. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by

certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the Board. The Board's decision shall be final for the purpose of administrative appeals. The Board of County Commissioners' review of the petition shall be limited to the record before the County Administrator. The Board of County Commissioners shall revoke the decision of the County Administrator only if there is competent, substantial evidence in the record that the decision fails to comply with this Code.

**F. APPEALS OF DECISIONS OF THE BOARD OF ADJUSTMENT, ENVIRONMENTAL CONTROL BOARD, OR THE BOARD OF COUNTY COMMISSIONERS**

Any person aggrieved by a decision of the Board of Adjustment, Environmental Control Board, or the Board of County Commissioners may, within thirty (30) days after rendition of such decision, petition for certiorari review to the Circuit Court in the Nineteenth Judicial Circuit in and for St. Lucie County.

**G. ENVIRONMENTAL CONTROL HEARING BOARD**

The Environmental Control Officer or any person aggrieved by any action or decision of the Environmental Control Hearing Board may seek judicial relief by filing the appropriate petition in the Circuit Court in the Nineteenth Judicial Circuit in and for St. Lucie County within thirty (30) days after rendition of the decision.

## **11.12.00 FEES**

A schedule of fees may be established by resolution of the Board of County Commissioners in order to cover the costs of technical and administrative activities required pursuant to this Code. Unless specifically exempted by the provisions of this Code, an applicant for any development that is subject to the rules and regulations set out in this Code shall bear the costs stipulated within such fee schedule.

## **11.13.00 ENFORCEMENT OF CODE PROVISIONS**

### **11.13.01 GENERALLY**

#### **A. Enforcement by Code Enforcement Board**

Unless otherwise stated in this Code, the St. Lucie County Code Enforcement Board, as described more fully in sections 1-2-19 through 1-2-27.5, St. Lucie County Code and Compiled Laws, shall enforce the provisions of this Code according to the procedures set forth in these Sections.

#### **B. Enforcement by Environmental Control Hearing Board**

Enforcement proceedings with respect to the following provisions shall be through the Environmental Control Hearing Board in accordance with the procedures set forth in Section 11.13.02 of this Code:

- a. Wellfield Protection (Sections 6.03.00 and 11.05.10)
- c. Wastewater and Sewage Disposal Compliance (Sections 7.08.03 and 11.05.09)
- c. Wetlands Protection (Section 6.02.03)
- d. Native Upland Habitat Protection (Section 6.04.01)
- e. Land clearing and yard trash recycling operations (7.10.12(c))
- f. Standard Housing Code (Section 13.08.00)
- g. All other codes, statutes, rules, regulations adopted by reference hereunder pursuant to Section 11.13.02(L).

### **11.13.02 ENFORCEMENT PROCEDURES FOR ENVIRONMENTAL CONTROL PROVISIONS**

#### **A. CRIMINAL ENFORCEMENT; PROCEDURES**

- 1. Whenever the Environmental Control Officer has received or obtained evidence that a specific violation of the provisions listed in Section 11.13.01(A)(1) has been committed, the Environmental Control Officer may notify the state attorney of the Nineteenth Judicial Circuit of such violation. Such notice shall contain a description of the violation, the date of the violation, the location of the violation and the name and address of the violator.
- 2. Upon receipt of such notice, the State Attorney shall institute proceedings in a court of competent jurisdiction for prosecution of the violation.

#### **B. CIVIL ENFORCEMENT; PROCEDURE**

- 1. It shall be the duty of the County Health Director, with the advice and assistance of the Environmental Control Officer, to determine compliance with the terms of this act (chapter).
- 2. If any person is in violation of the provisions listed in Section 11.13.01(A)(1), the County Health Director may give the violator reasonable time, by formal notice, within which to correct such violation. Should the violation continue beyond the time specified for corrections, the County Health Officer shall notify the Environmental Control Officer in writing of such failure to correct the violation. If any person has been in violation of this Code for conducting an activity without benefit of or in violation of the terms of a required

permit or has been in violation of this Code for conducting an activity which resulted in environment damage or a public health threat, the County Health Director, in lieu of or in addition to the above procedure for formal notice, may notify the Environmental Control Officer in writing of the violation.

3. Upon receipt of the County Health Director's notice of a failure to correct violation or notice of an activity conducted without or in violation of a required permit or an unlawful activity which resulted in environmental damage or a public health threat, the Environmental Control Officer shall file a notice of non-compliance, notice of environmental damage done or public health threat created or notice of activity conducted without permit with the Environmental Control Hearing Board.
4. Within ten (10) days after filing with the Environmental Control Hearing Board of a notice of noncompliance, notice of environmental damage done or public health threat created or notice of activity conducted without permit, the Hearing Board shall notice a hearing scheduled to be held within forty-five (45) days of the filing date. Service of notice on all parties shall be completed ten (10) days before the hearing. Hearings may be continued from day-to-day until completed.
5. Service of initial hearing shall be made in the same way as the Florida Rules of Civil Procedure provide for service of process of initial pleadings. Subsequent notices of hearing may be mailed.
6. Notice of hearing will specify date, time, and exact place of hearing. Attached to the notice shall be a copy of the notice of noncompliance, notice of environmental damage done or public health threat created or notice of activity conducted without permit.
7. Either party may serve written interrogatories and requests for admissions upon the other party. The petitioner may serve interrogatories or requests for admission on respondent at any time after service of the initial notice of hearing. The respondent may serve interrogatories or requests for admission on petitioner any time after receiving a notice to correct violation. Answers and objections to interrogatories or requests for admissions shall be served within twenty (20) days after service of the interrogatories or requests for admissions. The chairman of the Hearing Board may grant a shorter or longer time. Admission shall have the effect set out in Florida rules of Civil Procedures, Section 1.370(b). A matter is admitted unless the party to whom a request for admissions is directed serves upon the party requesting the admission a timely answer or objection. In the event a party fails to make discovery, the opposing party may motion the Hearing Board for an order compelling discovery.
8. The testimony of any witness may be taken by deposition in the manner and for the purposes provided by the Florida Rules of Civil Procedure.
9. Upon approval of a majority of the Environmental Control Hearing Board, a continuance may be granted in any hearing for good cause shown.
10. Hearings before the Environmental Control Hearing Board shall be conducted as follows:
  - a. All hearings of the Hearing Board shall be open to the public.

- b. Oral evidence shall be taken only on oath or affirmation.
  - c. the Hearing Board shall give probative effect to evidence which would be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter the control officer must handle and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, effect shall be given to the rules of evidence recognized in the State of Florida.
- 11. Rules of Order. Hearings shall begin with the presentation of petitioner's case by the Environmental Control Officer with the right of respondent to cross-examine witnesses followed by presentation of respondent's case, with the Environmental Control Officer's right to cross-examine witnesses. Opening and closing arguments shall be allowed unless waived.
  - 12. Record of Hearing. All proceedings of the Hearing Board shall be recorded by a certified court reporter or recording instrument. Proceedings will not be transcribed unless a request for transcription is made to the clerk by a party to the proceedings or a member of the Hearing Board. In the event a copy of a transcript is desired by a party to the proceedings other than the Environmental Control Officer, county attorney, or a member of the Hearing Board, the cost of transcription shall be paid by said party. The Hearing Board shall not permit withdrawal of evidence entered into the record so long as any issue concerned in the hearing is still pending a final decision either before the Hearing Board or the courts of Florida, unless the parties stipulate otherwise. After a final decision has been rendered, exhibits may be withdrawn at the request of the party which submitted them, or his counsel, after due notice to all parties, and upon order of the Hearing Board.
  - 13. Judicial notice. In reaching a decision, judicial notice may be taken, either before or after submission of the case, for decisions of any fact which may be judicially noticed by the courts of Florida.
  - 14. Decision. The decision of the Hearing Board shall be in writing and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy of the decision shall be mailed or delivered to the Environmental Control Officer, petitioner, respondent and to every person who filed an answer or who appeared as a party at the hearing.

#### C. FEE SCHEDULE

A schedule of fees to be paid annually to cover costs of inspections and administration of this chapter and the Environmental Control Act shall be established by resolution of the St. Lucie County Environmental Control Board. The owner of the property on which any of the businesses or activities listed in the resolution are conducted shall make timely payment of the fees when billed.

#### D. PARTIES OF VIOLATIONS

Every person who commits, attempts to commit, conspires to commit, or aids and abets in the commission of any act declared herein to be in violation of this chapter, whether individually or in connection with one (1) or more persons, or as a principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully entices, causes,

coerces, requires, permits or directs another to violate any provision of this chapter is likewise guilty of such offense.

**E. VIOLATIONS AND PENALTIES**

1. Any person, firm, partnership or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.
2. Each day that a violation of this chapter is continued or permitted to exist without compliance shall constitute a separate offense punishable, upon conviction, in the manner prescribed in this Section.

**F. ENFORCEMENT OF ENVIRONMENTAL CONTROL HEARING BOARD ORDERS AND INJUNCTION RELIEF**

If preventative or corrective measures are not taken or any civil penalty imposed is not forfeited in accordance with any order of the Hearing Board, or if the Environmental Control Officer finds that a violation of the provisions listed in Section 11.13.01(A)(1) exist so as to create an emergency requiring immediate action to protect human health or welfare, or to prevent irreparable environmental damage, the Environmental Control Officer may institute appropriate proceedings in the Circuit Court for ST. Lucie County to abate and prosecute or enforce orders of the Hearing Board. Such relief may include both temporary and permanent injunctions. Any proceedings initiated under this Section shall be brought forward in the name of St. Lucie County.

**G. VIOLATIONS--CRIMINAL PENALTIES**

1. It is unlawful to violate the provisions listed in Section 11.13.01(A)(1). Such violation of any such provision is declared to be a criminal offense and misdemeanor within the meaning of Section 775.08, Florida Statutes, and shall be punishable as provided by law. Each day during any portion of which such violation occurs constitutes a separate offense.
2. It is unlawful to violate any duly constituted order of the Hearing Board. Such violation is declared to be a criminal offense and misdemeanor within the meaning of Section 775.08, Florida Statutes, and shall be punishable as provided by law. Each day during any portion of which such violation occurs constitutes a separate offense.

**H. VIOLATIONS--CIVIL PENALTIES**

Any person found by the hearing board to be or to have been in violation of the provisions listed in Section 11.13.01(A)(1) or any provision contained in Chapter 2.6.5, St. Lucie County Code and Compiled Laws, may have imposed against him a civil penalty not to exceed five hundred dollars (\$500.00) for each day of violation. In determining the amount of such civil penalty, the hearing board shall consider the nature, duration, and environmental impact of such violation. The Hearing Board shall incorporate the amount of the penalty imposed on its final decision and order finding such person violation. All civil penalties collected under this Section shall be paid into the general fund of St. Lucie County.



**I. CIVIL FINES TO BE LIENS**

Any fine imposed by order of the hearing board shall, upon expiration of the time for appeal and the filing of said order with the Clerk of the Circuit Court, become a statutory lien against any and all property of the respondent.

**J. REFUSAL TO OBEY SUBPOENA ISSUED BY THE HEARING BOARD**

1. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books or papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the Judge of the Circuit Court of the district in which the person resides.
2. Upon receipt of the report, the Judge of the Circuit Court shall issue an order directed to the Sheriff of St. Lucie County commanding the Sheriff to forthwith bring such person before the judge who entered the order.
3. On the return of the order and the production of the body of the defendant, the Judge has jurisdiction of the matter. The person charged may purge himself of contempt in the same way and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a circuit court of the state.

**K. CONSTRUCTION IN RELATION TO OTHER LAW**

1. It is the purpose of this Section to provide additional cumulative remedies to control the environment of St. Lucie County. Nothing contained herein shall be construed to abridge or alter rights of action, or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this Section be construed as estopping the state, or any municipality or person affected by environmental pollution, in the exercise of its or his rights in equity or under common law or statutory law to suppress nuisances or to abate environmental pollution.

**L. INCORPORATION OF OTHER LAWS**

Chapters 381 (Public Health), 386 (Nuisances Injurious to Health, 387 (Pollution of Water), 408 (Environmental Control), 501 (Hazardous Substances), and 509 (Hotels and Restaurants), Florida Statutes 1983, as amended, are hereby adopted and incorporated by reference as part of this chapter to the same extent and to the same effect as if the provisions of each statute or law had been set out in full. All rules of the Florida Department of Environmental Regulation, the Florida Department of Natural Resources and the Florida Department of Health and Rehabilitative Services adopted pursuant to such state laws, as the rules are from time to time amended, and all rules of the St. Lucie County Environmental Control Board adopted pursuant to Chapter 83-511, Special Acts, Laws of Florida, are hereby adopted and incorporated by reference as part of this chapter to the same extent and to the same effect as if the provision of each such rule had been set out in full.

## **M. POWERS OF HEALTH DEPARTMENT**

**Nothing in this Section shall limit or reduce the powers of the St. Lucie County Health Department pursuant to interlocal agreement, general or special law or any other source of authority.**

### **11.13.03 OTHER PENALTIES AND REMEDIES**

#### **A. GENERALLY**

Nothing in this section shall prohibit the Board of County Commissioners from enforcing its codes by any other means. If the Public Works Director, Community Development Director or other appropriate county department head, in consultation with the County Attorney, determines that the code enforcement or environmental control hearing board processes delineated above would be an inadequate response to a given violation, the County Commission may pursue the following penalties and remedies, as provided by law:

##### **1. CIVIL REMEDIES**

If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land, or water is used in violation of this Code, the Director, through the County Attorney, may institute any appropriate civil action or proceedings in any court to prevent, correct, or abate the violation.

##### **2. CRIMINAL PENALTIES**

Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.

## **11.14.00 LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION - SPECIAL MASTER REVIEW PROCESS**

### **11.14.01 GENERALLY**

- A. This Section establishes St. Lucie County's procedures for the initiation, conduct and conclusion of a Special Master proceeding as provided for under Section 70.51, Florida Statutes, the Florida Land Use and Environmental Dispute Resolution Act.

### **11.14.02 INTENT**

- A. It is the intent of the County that the Special Master process be a speedy, inexpensive, and simple method for property owners and regulators to settle land use and environmental permitting and enforcement disputes. To that end, property owners and regulators should meet face-to-face, in a non-adversarial atmosphere, to resolve disputes without the need for formal representation.
- B. Negotiations assisted by a Special Master will enable a property owner and regulators to exert more control over their dispute, allowing the parties to shape a resolution rather than having one imposed. The Special Master and the parties should exercise maximum flexibility to adapt these procedures to the exigencies of each particular case, consistent with the requirements of state law and due process.

### **11.14.03 STANDARDS OF CONDUCT FOR PARTIES AND PARTICIPANTS**

- A. Standards of conduct for parties and participants may be adopted by the Board of County Commissioners, by resolution, and shall govern the proceedings unless waived or altered in the Special Master contract.

### **11.14.04 PRE-INITIATION MEETING**

- A. Prior to filing a formal Request for Relief under this Section, an owner may by letter request an informal meeting with the County Administrator to discuss alternatives to the filing of the Special Master proceeding. The County Administrator shall conduct such a meeting as expeditiously as possible and shall include technical staff familiar with the regulations at issue.

### **11.14.05 INITIATION OF SPECIAL MASTER PROCEEDING**

- A. Filing of Request for Relief

1. In order to initiate a Special Master Proceeding an owner or a Special Master, to the extent provided for under Section 70.51(11), Florida Statutes, must file two (2) copies of a Request for Relief with the Office of the County Administrator. The request for relief must be filed within thirty (30) days after receipt of the any final development order or notice of governmental action.
2. Within ten (10) days of receipt of the Request for Relief, filed pursuant to paragraph 1 above, the County Administrator or his or her designee shall forward the request to a Special Master selected pursuant to Section 11.14.06. This time period may be extended by agreement of the parties.

3. There shall be no initial filing or application fee required with the submission of any Request for Relief, however, as provided for under Section 11.14.06(D) , each party shall be equally responsible for the cost of providing for the Special Master and for all costs associated with the presentation or defense of their position. All costs incurred by the participating parties through the Special Master proceedings are nonrecoverable.

**B. Request for Relief; Required Application Contents:**

Any Request for Relief filed against St. Lucie County pursuant to this Section, and Section 70.51, Florida Statutes, shall be on a form as provided by the County and shall, at a minimum, contain the following:

1. A brief statement of the owners proposed use of the property.
2. A summary of the final development order or description of the enforcement action that the owner feels is depriving the owner of the reasonable use of his land or property. A copy of the final development order or the documentation of an enforcement action at issue must be attached to the Request for Relief.
3. A brief statement of the impact of the final development order or enforcement action on the ability of the owner to achieve the proposed use of the property.
4. A certificate of service showing the parties including the local government entity have been served with copies of the Request for Relief.

The special master may at his/her discretion require additional information in the interest of gaining a complete understanding of the Request for Relief.

**C. Notice of Filing**

1. Concurrently with the forwarding of the Request for Relief to the Special Master, the County shall serve, by United States Mail or hand delivery, a notice of filing of the Request for Relief to:
  - a. Owners of all real property contiguous to the applicant's property at the address shown on the latest County tax roll, and
  - b. Any substantially affected person who submitted oral or written testimony of a substantive nature which stated with particularity an objection to or support for any development order or enforcement action at issue.
2. In lieu of providing a complete copy of the Request for Relief, the notice of filing shall contain any information necessary for the recipient to secure a copy of the Request for Relief.
3. Any failure to notice potential participants shall be cured by posting of notices of the Special Master Proceeding in a location established by the Board of County Commissioners for that purpose.

## **11.14.06 SPECIAL MASTER**

### **A. Special Master Qualifications & Restrictions**

The Board of County Commissioners shall appoint no less than three (3) Special Masters who shall qualify as such under the provisions of this Section. A Special Master must be a resident of the State of Florida, and possess experience and expertise in mediation and at least one of the following disciplines and a working familiarity with the others: land use and environmental permitting, land planning, land economics, local and state government organization and powers and the law governing the same. A special master does not have to be a member of the Florida Bar.

### **B. Special Master Selection**

1. The County shall include in the Request for Relief form provided to the owner, a pre-approved list of Special Masters and instructions for objecting to any person named on the list.
2. The parties may mutually agree on a Special Master. Where the County has been joined by a Special Master pursuant to Section 70.51(11), Florida Statutes, the County shall not unreasonably refuse to abide by the choice of a Special Master by the original parties.
3. Selection of a Special Master from a Pre-approved listing shall be done as follows:
  - a. The Special Master may be selected from the lists of approved Special Masters provided with the Request for Relief form. Unless an owner objects to a Special Master in the owner's Request for Relief, those Special Masters not objected to are deemed acceptable to the Owner. The County will select one of them, at random, as the Special Master to consider the Request for Relief.
  - b. If the Owner objects to all of the persons on the approved Special Master list, the County shall be allowed additional time to secure a mutually acceptable Special Master.
4. If there is no agreement among the parties on the selection of a Special Master:
  - a. Each party may select one person qualified as a Special Master who, together, shall select a candidate. If the parties cannot agree on that candidate, the Special Master shall be randomly selected by the Florida Growth Management Conflict Resolution Consortium from a list of qualified candidates maintained by them for that purpose; or
  - b. The Special Master shall be randomly selected by the Florida Growth Management Conflict Resolution Consortium from a list of qualified candidates maintained by them for that purpose.

### **C. Agreements with the Special Master**

In order to promote a non-adversarial Special Master Proceeding, the parties should enter into an agreement with the Special Master which provides for the following:

1. Agreement by the Special Master that he/she would not be called as an expert witness in any related subsequent or concurrent judicial proceeding.
2. Agreement by both parties that the Special Master's Recommendation and related materials are inadmissible in any related subsequent or concurrent judicial proceeding except to the extent that a certificate of completion of the process will be available to certify that the Special Master process has been completed.
3. The Special Master may not be called to appear before the Board of County Commissioners or any administrative or judicial tribunal with respect to the written recommendation or any aspect of the proceeding, nor may the Special Master voluntarily furnish notes or other related material.

**D. Special Master Service Fees**

1. The Special Master shall be entitled to receive reasonable compensation for the time spent in hearing, reviewing and deciding any request for relief that is presented to the Special Master. The Special Master shall be entitled to receive reimbursement for any expenses related to the review of the request for relief. The Board of County Commissioners shall include as part of the standards of conduct an outline of reasonable expenses and compensation to be provided to the Special Master.
2. The Special Master may require in any agreement that the parties, where not otherwise prohibited by law, provide a deposit of funds to secure payment of the Special Master's fees and expenses.

**11.14.07 CONDUCT OF THE SPECIAL MASTER PROCEEDING**

**A. Request to Participate in Proceedings**

Within twenty one (21) days after receipt of the Request for Relief, any candidate for participant status may request from the Special Master permission to participate in the proceeding. These persons may be permitted to participate in the hearing to the extent allowed under Section 70.51(12), Florida Statutes.

**B. Filing of Response**

As required under this Section, the County Administrator or his or her designee shall file a Response to the Request for Relief, as provided for in Section 70.51(16), Florida Statutes.

**C. Sufficiency Hearing; Request to be Dropped as a Party**

1. Prior to any hearing on the merits of the Request for Relief, the Special Master may conduct a hearing on whether the Request for Relief should be dismissed pursuant to Section 70.51(8), Florida Statutes.
2. At any time the Special Master may conduct a hearing on any request to be dropped as a party pursuant to Section 70.51(16)(c), Florida Statutes.

**D. Notice and Timing of Special Master Proceeding**

1. As required under the provisions of Section 70.51(15), Florida Statutes, the Special Master shall convene a Special Master Proceeding on the Request for Relief within forty five (45) days of his receipt of the Request for Relief, unless a different date is agreed to by all parties to the proceedings.
2. Notice of the hearing shall be provided by the Special Master to all parties and other persons who have requested such notice at least forty (40) days prior to the scheduled hearing date. All notices shall include the place date and time of the hearing.
3. The cost of preparing and filing the initial two (2) copies of the Request for Relief shall be borne by the owner bringing forward the Request for Relief.
4. The cost of preparing and filing of the Response to the Request for Relief shall be borne by the County.
5. The Special Master's expenses in providing notice shall be borne equally by the parties or as is otherwise established in the Special Master agreement.
6. Notice to all parties and other persons who have requested such notice shall contain a reference number and date of filing of the Request for Relief and instructions for obtaining further information regarding the Request for Relief.

**E. Subpoena Powers of the Special Master**

1. The Special Master is empowered to subpoena witnesses.
2. The Special Master may subpoena any nonparty witness in the State that the special master believes will aid in the disposition of the request for relief.
3. A subpoena issued by a Special Master may require the witness to bring all necessary documents or things.
4. A party requesting the subpoena of a nonparty witness shall make such request in writing to the Special Master.
5. Parties subpoenaing witnesses shall be responsible for paying fees and mileage in the amount as provided for under Florida law for witnesses in civil cases.
6. The Special Master shall provide notice of any witnesses subpoenaed to any party requesting such notice.
7. Service of subpoenas shall be made in the manner provided for by the Florida Rules of Civil Procedure.
8. The witnesses of either party that are present for the hearing or are on standby or available on call are not to be excused by either party without the concurrence of the other party or the Special Master.



**F. Conduct of the Special Master Proceeding**

In all respects the conduct of a special master hearing is to be informal and open to the public. The object of the hearing is to focus attention on the impact of the governmental action giving rise to the request for relief and to explore alternatives to the final development order or enforcement action and other regulatory efforts by the governmental entities in order to recommend relief, where appropriate, to the owner.

The Special Master Proceeding may consist of facilitation sessions, testimony sessions, any combination of those or any form of information gathering and sharing that the Special Master deems appropriate under the circumstances. With that proviso, what follows is a general outline of a formalized process which is not binding on any party or the Special Master.

**1. Facilitation Sessions**

- a. In all respects, the facilitation discussions shall be informal and open to the public. The discussions shall operate at the direction and under the supervision of the Special Master. The object of the facilitation sessions is to focus attention on the impact of the governmental action giving rise to the request for relief and to explore alternatives for relief that are consistent with the public interests.
- b. As alternatives, if variances, and other types of adjustments to the development order or enforcement action are raised, the Special Master shall afford participants a reasonable opportunity to address the impacts of such alternatives on their substantial interests.
- c. Any time after commencement of the presentation of evidence in the hearing, the Special Master may recess the hearing and presentation of evidence to recommence a facilitation session.

**2. Testimony Sessions**

- a. In all respects, the testimony sessions shall be informal and open to the public. The testimony sessions shall operate at the direction and under the supervision of the Special Master. Testimony may be taken from all participating parties. The witnesses do not need to be sworn in, however it is recommended. All witnesses are subject to cross examination. The Special master may ask questions directly of any witness. Formal rules of evidence are not to be followed, however fundamental due process shall be provided to all parties.
- b. As alternatives, if variances, and other types of adjustments to the development order or enforcement action are raised, the Special Master shall afford participants a reasonable opportunity to address the impacts of such alternatives on their substantial interests.
- c. Any time after commencement of the presentation of evidence in the hearing, the Special Master may recess the hearing and presentation of evidence to recommence a facilitation session.

### 3. Procedures for Hearing and Presentation of Evidence

- a. The hearing shall be conducted under the direction and supervision of the Special Master. The Special Master shall decide all questions of procedure limited only by the need to afford reasonable due process. The Special Master shall determine the order of presentation of issues and information unless otherwise set forth in the Special Master agreement. It is the duty of the Special Master to proceed with all reasonable diligence.

### G. Offer to Compromise

At any time during the Special Master Proceeding a party may submit an offer of compromise.

### H. Settlement

1. At any time during the Special Master Proceeding, the owner and the County may enter into a settlement agreement or other agreement as to the permissible use of the owner's land.
2. A settlement agreement or other agreement as to the permissible use of the owner's land may be executed by the property owner or the party representative with authority to recommend a settlement directly to the Board of County Commissioners, subject to approval by the Board of County Commissioners. Any settlement agreement containing such a condition shall not be binding on any party until approved by all parties, including the Board of County Commissioners.

#### a. Forms of Relief Available

1. Without limitation, relief may be in the form of exemptions or variances from the applicable ordinances, including the Land Development Code Regulations.
2. Relief may be conditional in nature. Such conditional relief must be analyzed to determine if the conditions under which it is granted are consistent with the purpose and intent of the subject regulations and the applicable comprehensive plan.

- a. Conditions may be initial, after satisfaction of which the settlement is implemented, or
- b. Conditions may be ongoing, the failure of which serve to vacate the settlement and to divest the owner or his/her successors in interest of any rights thereunder.

- b. Any relief granted shall address the appropriateness of relief, allowing the County to fashion that form of relief necessary to equitably address the legitimate concerns of the property owner while at the same time protecting the legitimate interests of the citizens of the County. Such decisions shall be guided by the criteria established in Section 70.51(18), Florida Statutes.

3. Where such settlement or other agreement has been entered into, the Special Master shall not thereafter render a recommendation on those matters covered by the agreement.

#### **11.14.08 SPECIAL MASTER RECOMMENDATION**

- A. If an acceptable solution is not reached by the parties after the Special Master's attempt at mediation, the special master shall consider the facts and circumstances set forth in the Request for Relief and any responses and other information produced at the hearing in order to determine whether the action by the governmental entity or entities is unreasonable or unfairly burdens the real property.
- B. Within fourteen (14) days after the conclusion of the hearing, the Special Master shall prepare a and file a written recommendation with all parties.

Upon the receipt of any such recommendation, the County Administrator shall notify the Department of Legal Affairs as required by law.

#### **11.14.09 RESPONSE TO SPECIAL MASTER'S RECOMMENDATION**

- A. Within forty five (45) days of the receipt of the Special Masters Recommendation, the County, in consultation with other governmental entities participating in the proceeding, must respond to the Special Master's Recommendation by:
  1. Accepting the recommendation of the Special Master.
  2. Modifying the recommendation of the Special Master
  3. Rejecting the recommendation of the Special Master.

Within fifteen (15) days of determining the specific action to be taken on Special masters recommendation, the County Administrator shall notify the Department of Legal Affairs of the County's decision, as required by law.

#### **11.14.10 RIPENESS DECISION**

- A. If the Board of County Commissioners accepts the Special Master's recommendation or modifies it and the owner rejects the acceptance or modification, or if the County rejects the Special Master's recommendation, the County must issue a Ripeness Decision within thirty (30) days of the date of rejection. The Ripeness Decision must describe as specifically as possible what use or uses are available to the subject real property.
- B. The procedures established under this section, and as further directed under Chapter 70.51, Florida statutes, may not continue for more than one hundred and sixty five (165) days after the filing of Request for Relief, unless the period is extended by agreement of the parties.
- C. A decision describing the available uses constitutes the last prerequisite to judicial proceedings, unless the owner has initiated a proceeding under Section 120.57, Florida Statutes.

#### **11.14.11 MISCELLANEOUS PROVISIONS**

- A. Time Requirements and Furnishing Copies

1. Any copy which must be furnished to the Special Master, a party or a participant may be sent by regular mail, postage prepaid, or by hand delivery to the recipient's last known address. A copy furnished by mail will be deemed furnished to the recipient upon being deposited in the mail.
2. Any document which must be submitted, or any copy which must be furnished to the Special Master, a party or a participant, may be submitted or furnished by facsimile transmission. Documents submitted and copies furnished by facsimile transmission will be deemed submitted or furnished to the recipient on the date transmitted as shown on the recipient's copy, if the copy is complete.
3. All documents must plainly identify the parties or participants to whom copies have been furnished.
4. The parties may adopt ground rules regarding computation of time in a Special Master agreement.
5. Any document received after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

**B. Consolidation**

1. If there are separate matters which involve similar issues or identical parties, the Special Master may consolidate the matters, if the parties agree and it appears that consolidation would promote the speedy, efficient, and inexpensive resolution of the matters. If the separate matters are pending before different Special Masters, the parties may decide which Special Master will conduct the consolidated proceeding.
2. In the event that the parties agree to consolidate related Special Master proceedings into one proceeding, the parties must jointly agree to selection of a Special Master. The Special Masters involved should maintain an open and professional relationship with each other, and each has an obligation to inform the others regarding the consolidation.